Annual Security Report

2015

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report.

ASU
ARIZONA STATE UNIVERSITY

Welcome to Arizona State University

On behalf of the men and women of the Arizona State University Police Department, we would like to welcome all new and returning students, visitors, staff, and faculty. Our mission is to ensure student, staff, and faculty success. We do that by working to provide a safe and secure environment for you to study, live, work, and conduct research.

The ASU Police Department practices the philosophy of community-oriented policing and is a full-service police department that is open 24 hours a day, 365 days a year. All officers are certified peace officers in the state of Arizona through the Arizona Peace Officer Standards and Training Board. We work to provide a safe and healthy environment through law enforcement and community focused problem solving solutions. As part of this strategy, communication, transparency, and trust are critical to continued progress.

It is of the utmost importance that we all work together to ensure a safe learning and working environment. The ASU Police Department is just one of many departments that offer services that promote success in our community. I invite you to read this Annual Security and Fire Safety Report and understand that safety is our highest priority. This publication includes information on crime reporting procedures, policies, safety tips, prevention programs, fire statistics for ASU campuses, and statistical information required by law. This information is the result of a university-wide effort to include the Dean's Office, Student Rights and Responsibilities, Police Department, Educational Outreach and Student Services, Fire Marshall's Office, Housing, Counseling and Consultation, Environmental Health and Safety, Student Health, Office of Equity and Inclusion, Parking and Transit, and Facilities Maintenance, to name a few.

Working together with the community we serve is the key to creating a safe and secure environment for all to thrive in. I encourage you to review the report and contact us at (480) 965-3456 if you have any questions.

Sincerely,

Michael L. Thompson
Chief of Police

Annual Security and Fire Safety Report

The 2015 Annual Security and Fire Safety Report is prepared to inform you of Arizona State University's campus crime statistics, security policies, fire statistics, and steps you can take to enhance your personal safety. ASU and the ASU Police Department are committed to providing the highest level of professional services to the university community. ASU is committed to maintaining a safe and secure environment where you can learn, work, study, and conduct research.

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ARIZONA STATE UNIVERSITY POLICE DEPARTMENT

The ASU Police Department is vested with the authority and responsibility to enforce all applicable laws. ASU police officers have the authority and duty to conduct criminal investigations, arrest violators, and suppress campus crime. ASU Police are empowered by the state of Arizona to provide police and other quality safety services to the university system. ASU police officers are duly sworn peace officers under A.R.S. § 13-3871, are authorized to carry firearms, and have the same authority as municipal police officers to use police powers of arrest. The ASU Police Department has primary jurisdiction over ASU-owned and operated properties. ASU police officers are certified by the Arizona Peace Officer Standards and Training Board. In addition to attending a departmental pre-academy and a 20-week academy, each ASU police officer completes supervised and evaluated on-the-job field training based on a 15-week training program. Officers must also successfully complete a probationary period of one year. ASU Police provides law enforcement services 24 hours a day, 365 days a year.

The ASU Police Department also employs unarmed police aides to assist with security around campus. Police aides are full and part-time department employees who serve as the "eyes and ears" of the ASU Police Department. They may take reports for minor incidents, provide basic emergency services, and assist police officers as needed. Police aides complete supervised and evaluated on-the-job field training based on a six-week training program.

In the summer of 2015, ASU started a Special-Victims Unit within its Police Department. The detectives in that unit investigate cases involving sexual assault, domestic violence, dating violence, and crimes against children. The Special-Victims Unit assists in providing even better service to victims as well as training to the other officers at ASU and campus communities.

The university's mission of education, research, and community service is supported by the law enforcement services and educational programs offered by the ASU Police Department. Through mutual aid agreements, ASU Police works closely with the surrounding law enforcement agencies including Tempe, Phoenix, Mesa, Glendale, Scottsdale, Gilbert, Maricopa County Sheriff, and Arizona Department of Public Safety. These agreements enable all agencies to assist each other when and where needed. Primary law enforcement at the ASU Colleges at Lake Havasu City is provided by the Lake Havasu City Police Department.

Preparation of the Clery Report

In 1990, the U.S. Congress enacted the *Crime Awareness and Campus Security Act,* which requires postsecondary institutions to disclose campus crime statistics and security information. In 1998, the act was renamed the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act") in memory of a student who was slain in her dorm room in 1986 in Pennsylvania. The Violence Against Women Reauthorization Act of 2013 (VAWA) includes the Campus Sexual Violence Elimination Act which affords additional rights to campus victims of sexual assault, domestic violence, dating violence, and stalking. VAWA also amended the Clery Act, and provides additional reporting requirements.

These federal statutes require higher education institutions to give timely warnings of crimes which represent a threat to the safety of students or employees, and to make public their campus security policies. They require crime data to be collected, reported, and disseminated to the campus community as well as to the U.S. Department of Education. The purpose is to provide students and their families with accurate, complete, and timely information about safety on campus so they can make informed decisions.

ASU Police prepares the text for the policies and practices section with input and information available from other university departments. ASU Police collects statistical information provided by reports from

campus security authorities and local law enforcement agencies. *Licensed counselors are exempt from reporting requirements. Campus counselors are encouraged to inform those they counsel to report crimes to ASU Police.*

REPORTING CRIMES AND INCIDENTS

The success of any law enforcement is contingent on receiving timely and valuable information. ASU Police urges all victims and witnesses to report crimes and suspicious activity in a timely manner. We offer multiple options for reporting, to include anonymous reporting.

Crimes in progress and serious crimes which have just occurred should be reported by calling 9-1-1 from any phone. Whenever possible, the actual victim or witness of the crime should call directly. First-hand information is always more accurate and complete. If you have knowledge of a crime or suspected crime, you may report it by telephone, in person, or electronically at asupolice@asu.edu or with the LiveSafe mobile application. The LiveSafe app can be downloaded from Google Play, iTunes, or the **ASU Police Website**. You may report a crime if someone merely gives you the information and leaves, but please include this fact when reporting.

ASU Police officers or police aides will respond without delay to all calls for police service. Emergency calls shall take precedence; however, all calls will be answered as soon as possible. The ASU Police Communications Center is responsible for notifying other departments and appropriate university personnel, and for providing assistance as needed. [PSM 261-02]

The ASU Police Communications Center is staffed 24 hours a day by trained public safety dispatchers. The dispatchers receive calls from the 9-1-1 and non-emergency lines and the LiveSafe mobile application. Calls are assigned to the appropriate police or emergency personnel to handle. When calling to report a crime or incident, please be ready to give information such as:

- a brief description of the occurrence,
- when and where the incident occurred,
- weapons the suspect(s) carried,
- where and when the suspect(s) was last seen,
- description of the suspect(s) (including gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars),
- and any other relevant information.

In addition to the importance of reporting, timely information assists responders in developing warnings for the university community.

Cell phones do not automatically register caller and exact location information in the 9-1-1 system. When calling 9-1-1 from a cell phone, tell the dispatcher you are calling from a cell phone and your location. 9-1-1 calls from cell phones may be directed to a city police department or Maricopa County Sheriff's Office; 9-1-1 calls on the Downtown Phoenix campus go directly to the Phoenix Police Department. You may consider programming your phone with the ASU Police number for general, non-emergency use: **(480) 965-3456**.

ASU Police Department Locations

- Tempe campus - 325 E. Apache Blvd., Tempe, AZ, at the corner of Apache Blvd. and College Ave.
- West campus – 4701 W. Thunderbird Rd., Phoenix, AZ, at the corner of 49th Ave. and Wood Dr.
- Polytechnic campus - 6045 S. Sagewood Rd., Mesa, AZ, directly north of the water tower.
- Downtown Phoenix campus - 455 N. 3rd St., Suite 367, Phoenix, AZ, in the Arizona Center.

Other Primary Police Department Locations

- Tempe Police – 120 E. 5th St., Tempe, AZ; at the northwest corner of 5th Street and Forest Avenue.
- Mesa Police – 130 N. Robson St., Mesa, AZ; at the northwest corner of 1st Street and Robson.
- Phoenix Police – 600 W. Washington, at the corner of 6th Ave. and W. Washington in Phoenix.
- Lake Havasu City Police - 2360 McCulloch Blvd N., three blocks east of the intersection of McCulloch Blvd N. and Acoma Blvd in Lake Havasu City.

Non-Emergency Procedures

For non-emergency assistance on the Downtown Phoenix, Polytechnic, Tempe or West campuses, please call the ASU Police Department at **(480) 965-3456.** Our communications center is centralized and handles both emergency and non-emergency calls for services on each of these ASU campuses. For non-emergency assistance at ASU Colleges at Lake Havasu City please call (928) 855-4111. Students, faculty, staff, and visitors are encouraged to report crimes directly to the police.

Anonymous Reporting

If you would like to report a crime but do not wish to reveal your identity, you may contact ASU Police at **(480) 965-3456** or **(480) 965-TIPS or use the LiveSafe mobile application**. Additional information is helpful to fully investigate and prosecute crime; however, all reports of suspicious or criminal activity will be responded to by ASU Police. You may also contact the Silent Witness Program at (480) WITNESS or (480) 948-6377. The Lake Havasu City Police Department accepts anonymous tips via text message at **(928) 854-TIPS (8477)** or you may call their non-emergency number for a live operator at (928) 855-4111.

You may also choose to report to the ASU Hotline for Ethics and Compliance, by calling (877) SUN-DEVL or (877) 786-3385. For more information about the Hotline service, go to: **http://hotline.asu.edu/**

Student Directory & Educational Records

Directory information such as a student's name, email addresses, local and permanent addresses, and personal phone numbers may be released to anyone without the student's consent. ***A student who does not wish for this information to be released must complete a form at the Registrar's Office (480) 965-3124 or at the Registrar's Web site:*** **https://students.asu.edu/forms/withhold-directory-information-request. http://www.asu.edu/registrar/forms/regforms.html**

Access to student educational records is protected under the federal Family Educational Rights and Privacy Act (FERPA) **[SSM 107-01]**. Access to, and release of, employee records are governed by Arizona statutes and Arizona State University policies **[SPP 1101]** for staff and **[ACD 811]** for faculty. Faculty and staff directory information is limited to on-campus information only.

SERVICES TO HELP YOU STAY SAFE AND PREVENT CRIME

Community Policing

Community-based policing is a collaborative effort between a police department and community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems. It is founded on close, mutually beneficial ties between police and community members.

The police department utilizes a neighborhood approach as a community policing strategy. ASU police officers and aides collaborate with residence hall and associated department staff, as well as community members to address public safety issues.

In addition to partnering with the community, the collection and analysis of reported crime plays an important part in this process. The data is reviewed and then educational, enforcement, and deterrent strategies are employed in an effort to reduce the occurrence of crime in our community.

The ASU Police Department believes that preventing crime is a shared responsibility. For every crime committed there must be a desire, an opportunity, and the ability to commit the crime. While you cannot control another's desire or ability to commit a crime, you can control the opportunity by doing the following:

- Always remain alert and aware of your surroundings.
- Report any unusual or suspicious activity you witness.
- Do not walk alone at night.
- Never leave valuable items unattended.
- Always secure valuable items with a proper lock.
- Record the make, model and serial numbers of your valuables.

Safety Escort Services

Phoenix Metropolitan Area Campuses – Undergraduate Student Government provides a safety escort service on the Tempe campus. It is provided by volunteers and student workers and is available daily from 7:00 p.m. to 2:00 a.m. A safety escort will meet you and escort you to your on-campus destination. Call (480) 965-1515 to arrange for an escort. If you desire an escort at another campus or outside that time frame at the Tempe Campus, you can call ASU Police at (480) 965-3456 to ask for assistance 24 hours a day.

ASU Colleges at Lake Havasu City – Safety escorts are provided by on-site security personnel between 5 PM and 7 AM daily. Contact (928) 707-2489 to ask for assistance.

Emergency Call Boxes

There are emergency call boxes located throughout each campus. They are easily identifiable as a blue pole with "Emergency" printed on it or by a bright yellow box mounted on a metal pole. At night, look for the blue light mounted directly above each pole or box. To operate the call box, simply press the call button, and a police dispatcher will answer immediately and provide assistance. If the area remains

unsafe, you may move to the next call box location and activate it until police arrive. Your location is identified with each activation.

The emergency phones are not only located near campus buildings, but also in university-operated parking lots and parking structures. The emergency phones are directly linked to ASU Police on the Tempe, West, and Polytechnic campuses. The emergency phones on the Downtown Phoenix campus have a red call button, are illuminated with a blue light, and will connect you directly to the Phoenix Police. The Lake Havasu City Police Department receives and responds to emergency call box activations at the ASU Colleges at Lake Havasu City.

LiveSafe Application

Arizona State University community members gain more mobile reporting power for reporting crimes and emergencies with the free **ASU LiveSafe™ mobile app** available for free through your App Store. The LiveSafe app is an additional step that ASU is taking to improve the safety of the living, working, and studying environment that the university community enjoys. Smartphone users who download the app can report tips to the ASU Police Department, make emergency calls, and perform other functions that help enhance their personal safety and security.

The app allows users to communicate anonymously with ASU Police in real-time via chat, pictures, audio, and video.

During times of distress, a LiveSafe user can send a link with an accurate GPS location to alert the LiveSafe user's personal emergency contacts.

Friends and family also can virtually walk an app user home. The app's SafeWalk feature uses GPS-tagged monitoring to track an app user's progress on a Web-based map. The feature can be deactivated once the user has reached his or her destination safely.

The LiveSafe app launch is an additional step that ASU is taking to improve the safety of the living, working and studying environment that the university community enjoys.

While phone calls and written reports still will be accepted and acted upon by ASU Police, LiveSafe users can report tips in new ways and with more accurate location information.

ASU Police Crime Prevention Unit

Because it is more beneficial to prevent crimes than to react to them after the fact, ASU Police operates a full-time Crime Prevention Unit to plan, coordinate, and implement crime prevention presentations and services on the Tempe, West, Polytechnic, and Downtown Phoenix campuses. The Crime Prevention Unit also conducts building security assessments and inspects campus grounds to address areas of safety concern.

The Crime Prevention Unit, in conjunction with other ASU police staff, conducts educational and experiential programs throughout the year to inform students and employees of security policies, procedures, and practices. These programs are free and include topics such as personal safety, bicycle safety and theft prevention, preventing acquaintance sexual assault, drug and alcohol abuse, office security, residence hall security, and home security. If needed, presentations can be prepared or tailored to meet special requests.

ASU Police encourages students, faculty, staff, and visitors to be responsible for their own safety by taking proactive steps to reduce the likelihood of victimization and crimes on campus. Crime prevention literature is available from the ASU Police Department web page, **http://cfo.asu.edu/police-brochures,** at the ASU Police Department lobby, or by request from the Crime Prevention Unit.

The following safety presentations are available to the university community. The number in parenthesis, after each presentation name, is the number of times the presentation was provided to the community for the current reporting year. Presentations are not limited to these numbers, but are also provided as needed or upon request.

Active Shooter (Available online or in person) (12)
This presentation provides information on police operations and what to expect during a shooting incident. The information is available from the ASU Police Department web page, **http://police.asu.edu**

Alcohol Awareness (20)
This presentation provides information on the effects and consequences of underage alcohol use. It is provided in-house to University Housing and also as requested to various campus groups.

Bicycle Safety/Registration (Available online or in person) (12)
A court-approved bicycle diversion program for cyclists who receive a traffic citation while riding a bike. In order to reduce bike theft, ASU encourages the community to register their bikes at: **http://bike.asu.edu**

Campus Safety Presentation: Knowing When and How to Respond to Critical Safety Issues (1)
This two-hour presentation provides information on the psychological and emotional aspects of human behavior, the individual role to create a safe environment, ASU policy, the referral process, and seeking appropriate resources.

Crime on Campus (10)
This presentation provides information on the criminal incidents which occur and tips on how to avoid becoming a victim.

Driving on the Mall (55)
This course is now being offered by Environmental Health &Safety. **Please visit the EH&S Training section for more information.**

Drug Recognition Presentation (4)
This presentation provides drug education to hall staff to assist them in drug identification in the residence halls.

Graduate Information Fair (2)
Provides crime prevention information and creates dialogue between the police and the university community.

International Student Safety (3)
This presentation provides information on Arizona laws, the Phoenix area, and how to travel safely. Also offers personal safety and crime prevention tips.

Move-in Orientation (5)
The move-in orientation is conducted throughout each move-in day at the Wells Fargo Arena. An information table is set up by the ASU Police Crime Prevention unit to answer questions and provide move-in information.

New Student Orientation (81)
This presentation provides information during the University Information Fair. General and specific safety concerns are addressed using safety flyers and question/answer with parents and students.

Passport to ASU (1)
This presentation provides information on personal safety on campus and offers a crime prevention information table.

Personal Safety (15)
This presentation provides information on personal safety and securing your property. Other available topics include sexual assault, drugs and alcohol violations, ASU Police and traffic citations.

Rape Aggression Defense (1)
This 12-hour course provides instruction on technique, theory, and self-defense tools.

University Housing Staff Training (5)
This training provides hall staff with information on first responders and proper protocol when officers respond to calls for service inside residence halls.

Transition to University (2)
ASU Police speak to high school seniors about college life upon request from high schools.

Safety pamphlets are also handed out during orientations and various informational events to remind new and returning students of common safety practices they should use to ensure their own personal safety and the safety of their belongings.

You may obtain more information, request a presentation, or inquire about programs and schedules by calling the ASU Police Crime Prevention Unit at **(480) 965-1972** or by sending an email to **asupolice@asu.edu**.

Crime Logs and Timely Warnings

ASU Police will issue timely warnings in the form of crime alerts to ensure students, faculty, staff, and visitors receive notification of crimes which may present a threat to the campus community and to heighten safety awareness. The alert may also seek information which may lead to an arrest and conviction of the offender. The ASU Police Department is responsible for creating and publishing the crime alerts. These can be disseminated utilizing a variety of methods to include, but not limited to, the ASU Police website, email, electronic media, hand posting, and local media.

Crime alerts advise the community about violent crimes against persons, a series of crimes against property, or threats to persons or property in an effort to inform our community about potential risks and allow individuals to protect themselves against such risks. The alert may also provide details of the crime

or threat, a description of the suspect (if known), information on who to contact about the investigation, and timely crime prevention tips.

In regards to crime logs and timely warnings, ASU Police works closely with individuals reporting serious crimes to ensure the victim's privacy while also ensuring the community has adequate information regarding potential risks. Information for alerts can also come from other law enforcement agencies and other ASU offices.

ASU Police will release important crime alerts electronically to campus partners and will distribute bulletins and flyers to the ASU community. The method of distribution is dependent on the nature of the crime and the threat to the community. You may view all current and recent alerts online at: **http://cfo.asu.edu/police-campuscrime-alerts**

Anyone with information warranting a timely warning should contact ASU Police at (480) 965-3456 or Lake Havasu Police at (928) 855-4111.

A daily police log documenting reported crimes is kept in accordance with the Higher Education Opportunity Act. The logs can be accessed electronically at **http://cfo.asu.edu/police-campuscrime-logs** or they may be viewed by going to any of the police department locations on our Downtown Phoenix, Polytechnic, Tempe, and West campuses.

In addition to the daily crime log, individuals may review basic police report data to include date, time, location, report number, and type of crime reported in a geo-based format online at **http://cfo.asu.edu/police-campuscrime-crimereports**. Statistics for the ASU Colleges at Lake Havasu City can be viewed at **https://www.crimereports.com/agency/lakehavasu**

Emergency Response and Evacuation Procedures

It is the University's policy to notify, without delay, the campus community of any confirmed significant emergency or dangerous situation involving an immediate threat to the health and safety of individuals. The Chief of Police or his designee will determine the notification's content and will initiate the notification system unless, in the professional judgment of responsible authorities, notification at that time would compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. ASU Police Department has the authority to issue emergency messages as they deem necessary to maximize public safety.

A determination regarding what segment of the campus community will receive the notification shall be based on the nature, severity, and location of the emergency. The same procedures will be used to notify the larger community.

Methods

Depending on the nature of the emergency, methods that may be deployed include: door-to-door notifications; ASU Police patrol vehicle public address system; crime alerts; text messages; reverse 9-1-1; ASU Police media notification system; freeway electronic billboards; ASU home page messages; ASU news page messages; mass e-mail and text via **BlackBoard Connect**; media alert (TV, print, radio, Internet); emergency information hotline messages; Facebook postings; Twitter messages; RSS feed; MyASU Web page alerts; and digital bulletin board postings. Because each situation will present individual challenges, some or all of these communication methods will be used in an emergency. Follow-up messages to the university and to broader audiences such as parents and alumni will be sent as needed.

Procedures for Notification

Depending on the severity of the incident, the ASU Police Department has the authority to send emergency notification without prior approval. If the incident is a large-scale emergency, as determined by the incident commander (typically the top fire or police official at the scene), the incident commander will be responsible for making these decisions.

For messages other than those sent by the ASU Police Department, it is the responsibility of the vice president of Media Relations & Strategic Communications or designee to determine the content of the notification. The Office of Media Relations/Strategic Communications will coordinate with the university's Emergency Policy executive, ASU Web masters, university communicators, Student Affairs personnel, and other responsible parties to ensure proper implementation of the methods determined to be appropriate for the incident at hand. The communication method and message are approved by the university's Emergency Policy executive or designee in consultation with the vice president of Media Relations & Strategic Communications or designee. While the ASU Police Department is the primary agency confirming significant emergencies on campus via notifications from 911 calls or from personal observations by its officers or other security personnel, other departments at ASU such as Risk and Emergency Management or Environmental Health and Safety may also confirm a significant emergency.

The notification system's purpose is to provide brief and immediate instructions to the campus community and identify other resources where additional information can be obtained. During an emergency, detailed information about an incident would be provided in other forms of communication, such as: text messages, email, notification on the official ASU website, electronic media, voice mail, hotline, and emergency bulletins issued through the media. ASU Police work closely with surrounding police agencies to help facilitate the sharing of incidents reported to them which might constitute the issuance of an emergency notification.

A test of the procedures shall be conducted at least once each calendar year. An actual incident in which the emergency notification system was activated shall not qualify as a test under this policy. Each test/incident shall be documented, to include: a description of the exercise/emergency, date, time, and whether announced or unannounced. Residence halls will have evacuation procedures tests/drills at least semi-annually.

The Emergency Notification Policy is available at: **http://www.asu.edu/aad/manuals/ehs/ehs206.html**. To learn more about the University's emergency notification and advisory service, please go to our secure website at **http://www.asu.edu/go/alert_text**

Shelter-in-Place Procedures – What it Means to "Shelter-in-Place"

If an incident occurs and the building(s) or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it may be safer to stay indoors. Leaving the area may expose you to that danger caused by high winds, limited visibility, and respiratory-related issues to name a few. Thus, to "shelter-in-place" means to "make a shelter" using the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic "Shelter-in-Place" Guidance

During an incident, if the building you are in is not damaged and still affords protection, stay inside. If possible, move to an interior room and away from glass or items that might become dangerous flying objects. Stay inside until you are told the area is safe by designated staff or it is obvious the incident has passed and no longer poses a danger to your wellbeing. If the building you are in is damaged and no

longer affords protection from the incident, take your belongings needed for personal care (purse, wallet, medications) as long as it does not slow your exit. Follow the evacuation protocols for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators, etc.) Do not remove personal items (i.e. pictures, computer, etc.) Once evacuated, seek shelter at the nearest safe building. Follow all instructions given by first responders if they are already on scene.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, including ASU Police, Housing Staff members, University employees, or other authorities utilizing the University's emergency communications tools. Examples are door-to-door notifications; ASU Police patrol vehicle public address system; crime alerts; text messages; reverse 9-1-1; ASU Police media notification system; freeway electronic billboards; ASU home page messages; ASU news page messages; mass e-mail; media alert (TV, print, radio, Internet); emergency information hotline messages; Facebook postings; Twitter messages; RSS feed; MyASU Web page alerts; and digital bulletin board postings.

How to "Shelter–in-Place"

No matter where you are, these basic steps should assist and should be considered unless instructed otherwise by emergency personnel.

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies you may need if you must evacuate immediately. Supplies will also include any items you may need if utilities are severed and you must remain inside for a prolonged period of time (i.e. a flashlight, extra batteries, etc.) If you are caught outdoors, move quickly to the nearest undamaged building and take shelter.
2. If possible, your shelter area should be:
    - An interior room;
    - Above ground level; and
    - Without windows or with the least number of windows possible.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems if able. (University staff will turn off the ventilation as quickly as possible.)
6. Turn on a radio or TV (if power is still available) and listen for more information about the incident.

FIRE SAFETY

In compliance with the Higher Education Opportunity Act, the university has provided fire statistics and a fire log with details of each fire that occurs on campus. To view the reports please go to the web site: **http://cfo.asu.edu/ehs-fire-safety-annual-report**

The ASU Environmental Health and Safety department completes audits to ensure fire safety code compliance of all university facilities. In the event of a fire or a hazardous material situation, the surrounding municipal fire department will respond and handle the situation.

Annual Fire Safety Report

If a fire occurs in an ASU building, immediately call **9-1-1**. ASU Police can summon the fire department quickly through a direct-dial phone communication link to the Tempe, Mesa and Phoenix Unified Communications Center. The 9-1-1 center in Lake Havasu City is a unified police and fire dispatch center.

If a member of the ASU community finds evidence of a fire that has been extinguished, and the person is not sure whether ASU Police has already responded, the community member should immediately notify ASU Police to investigate and document the incident. For example, if a Community Assistant finds evidence of a fire in a trashcan in the hallway of a residence hall, he/she should not touch the trashcan and should report the incident to ASU Police immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan.

Fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community members should familiarize themselves with the exits in each building. The Police Department may arrest those who fail to evacuate a building promptly – but more importantly, evacuate so that you are safe! When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus will ring to the ASU Police Communications Center or another emergency call center.

ASU Police publishes this fire safety information as part of its annual Clery Act compliance document, which contains information with respect to the fire safety practices and standards for ASU. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see charts for more information). The Annual Security and Fire Safety Report is available for review 24 hours a day on the ASU Police website at **http://police.asu.edu** and a physical copy may be obtained by making a request to the ASU Police **(480-965-3456)**.

Fire Protection Equipment/Systems

A majority of University buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at ASU Police. Refer to the Fire Safety Amenities in the ASU Residential Facilities Chart for information about fire detection, notification, and suppression systems in each residential facility.

Procedures for Students and Employees in the Event of a Fire

Find the nearest pull station, and sound the central alarm. Shut all doors and windows in the vicinity of the fire. If the fire is small, consider using fire extinguishers to put it out. Exit by the nearest safe stairway. Do not use the elevators. Do not run.

Fire Safety Education and Training
Fire safety education and training for residential life students and support personnel is provided quarterly, in person, in the form of fire drills. The drills include announced and unannounced drills and are conducted by the ASU Fire Marshal's Office. Additionally, all ASU employees are required to attend Fire Safety Training conducted by Environmental Health & Safety personnel upon hire and to take an online refresher training annually.

University Documentation and Manuals

Contact the ASU Fire Marshal for access to the Arizona State University Fire Prevention and Safety Plan.
This guideline is provided as a general guideline for residential life facilities and does not cover all code compliance issues. If you have any questions or concerns, or need additional information, contact the ASU Fire Marshal at 480.965.1823 or email at **asufire@asu.edu** .

Residential Life Guidelines – Fire Safety

Arizona State University's (ASU) Residential Life supports the student population with living quarters on the university's various campuses. ASU must ensure all operations and living quarters are safe and compliant with all applicable federal, state, and local codes, standards, and ordinances, e.g., Building Codes, Fire Codes, and Occupational Safety and Health.

ASU Environmental Health & Safety (EH&S) is responsible for inspecting and coordinating with each unit representative within Residential Life to ensure a safe environment and operation. The following guidelines have been prepared for university personnel to facilitate proper use and operation of congregated residential facilities on university property.

General Safety
State and federal regulations specifically require the university to maintain facilities in a manner that promotes a safe environment for occupants to enter and exit a facility as well as operations and use of the facility. The following guidelines will assist Residential Life in assuring each facility's exit system is appropriately utilized and maintained:

1. Any material used in lobbies, corridors, stairwells, or other common areas shall not obstruct the exit passageway and must be of non-combustible material, made of fire resistive material, or is fire retardant treated.
2. Exit signs must be operational and visually unobstructed (illuminated appropriately).
3. Decorations are prohibited near any heat source. Distance from heat sources can only be determined by evaluating the area, decorative materials, and determining the heat source's capabilities.
4. Follow the manufacturer's recommendations for installation and use when utilizing authorized equipment, installing equipment, or any temporary structure, display, or device.
5. Contact ASU Environmental Health & Safety at 480-965-1823 prior to initiating any project related to construction, remodel, special event, and anything that involves the use of the exit system other than normal traffic ingress and egress. (Exit system includes—lobbies, corridors, hallways, exit doors, stairways, and exit passageways).
6. Maintain clear unobstructed view and operation of any fire protection device (smoke detectors, heat detectors, manual fire pull stations, audible visual devices, fire sprinkler heads, fire panels, and special fire suppression systems/apparatus).
7. Refuse (garbage) should be disposed (removed from the building) on a daily basis at a minimum.

Electrical Safety
The following guidelines must be assured whenever electrical equipment, lighting, or any electrical wiring is utilized or affected by decorative materials or displays:

1. All electrical equipment and lighting must be tested and approved by a recognized testing laboratory, e.g., Underwriters Laboratory (UL).
2. All appliances and lighting must be inspected for damage and operability prior to use.
3. Use appliances and lighting only as approved and recommended by the manufacturer. Lighting must be mounted in a manner that will not damage the wiring or be damaged by other equipment. Use of adhesive transparent tape to adhere wiring to walls or the use of hooks to drape wiring is acceptable for temporary conditions and if approved by EH&S or the ASU Fire Marshal.
4. Running electrical cords through doorways or any openings through walls, ceilings, or floors is prohibited.
5. Extension cords must be at least a minimum of 16 gauge or heavier with a ground (three prong) and cannot run in series.
6. The use of multi-plug adapters is prohibited. (Exception: any adapter or cord that has an operational circuit breaker is acceptable for more than one appliance as long as used within the recommended use, design, and load capacities of the manufacturer.)

Christmas Trees and Other Plant Life
Below are State Fire Marshal, ASU Fire Marshal and other code requirements to follow whenever decorating or displaying materials utilizing any plant life for the interior or exterior of a facility:

1. Cut Christmas trees are prohibited—only fire retardant artificial trees or "live" trees (root type in soil) are acceptable. Live trees must be checked daily and watered as needed.
2. Trees shall not be located in any manner that will block or obstruct an exit or passageway. Only approved lighting shall be used on trees. Ensure that all electrical wiring is in good condition and connections are secure.
3. Any decorations on or around the tree must be non-combustible or properly treated with fire retardant material.
4. Palm fronds and any other cut vegetation are prohibited unless approved by EH&S for specific temporary use and verified all vegetation is fire retardant treated. (Exception: cut flowers are acceptable for temporary display in a personal area as long as it does not create a fire hazard.)

Candles/Open Flames and other Heat Sources
Any item utilized for decoration, display, or personal use that generates or emits heat must comply with the following guidelines:

1. Use of candles, open flames, and burning are prohibited in all university buildings. (Exception: Authorized "hot work" by qualified maintenance personnel and only if temporary approval is granted by the ASU Fire Marshal --Temporary approval is granted on a one-time individual case-by-case basis.)
2. Portable heaters and other portable heat generating equipment must have appropriate safety features to automatically shutoff power to equipment whenever tipped over or the temperature of the device exceeds the manufacturer’s pre-determined heat exposure limit, (must be U.L. listed).
3. Use of any type of heat generating product or equipment must be utilized as recommended by the manufacturer.

Temporary Structures
Temporary structures are facilities that are designed for temporary use or defined as temporary construction, e.g., trailers and tents. Each temporary structure must comply with the following:

1. Trailer, tents, temporary walls or ceilings constructed of any materials must be approved by the ASU Fire Marshal.
2. From any point, a minimum of a 2-A:10-B:C rated fire extinguisher must be within a 75-feet travel distance for light to moderate hazard areas, and 30 or 50 feet for high hazard areas (based on the type of hazardous operations for the area). (Travel distance cannot include steps, through secured doors, or any special conditions that restrict the user in obtaining the fire extinguisher and returning to fight the fire.)
3. Special fire protection measures may be necessary for events to meet the requirements of the International Building and Fire Codes. (These measures are determined by submitting the purpose and all pertinent information relating to the temporary structure to the ASU Fire Marshal.)

Emergency Planning and Execution

Emergency plans and drills are necessary for all facilities to help ensure a safe, effective, and efficient evacuation. Residential Life facilities require an emergency plan for each facility which includes quarterly fire drills (one will be an unannounced—no notice fire drill).

Each staff working and/or residing in residential halls must be aware of the emergency plans, how to execute an evacuation, and proper notification procedures for prompt emergency response. The plan includes floor plans indicating exit locations, telephone numbers for emergency contact of occupants and responders, all egress notification procedures, evacuation procedures, and assembly area for accountability.

Evacuation of Persons with Physical Disabilities

Faculty, Staff and Student Responsibilities:

- You are responsible to plan for your own emergency evacuation. Familiarize yourself with the Fire evacuation routes and plans for every floor where you live, work, and the classroom you are attending. Know where the available exits, pull stations, evacuation routes, and areas of refuge are.
- If you will need assistance with evacuation, identify the areas of refuge on the floor of your living space, office, or classroom. Staff should connect with a co-worker; and students with another student, residence hall community assistant, and their instructor, if assistance will be required during an emergency evacuation. Inform them of what your needs are. We refer to this as a "buddy system." Your "buddy" will be responsible for notifying emergency personnel of the exact location where you are waiting for rescue. Everyone should notify emergency personnel of any known students or staff with disabilities they believe are still in the building.

Procedures on evacuation
1. During an emergency, i.e., fire alarm, all persons should proceed toward the nearest safe emergency exit.
2. On the ground floor, persons with physical disabilities, if able, should exit the building along with other building occupants.
3. On floors above or below ground level:

a. *Visually Impaired/Blind*
   Tell the person with the visual impairment the nature of the emergency and offer to guide the person to the nearest exit. Have the person take your elbow and escort him/her out of the building. As you walk, advise the person of any obstacles. When you reach safety, orient the person to where he/she is and ask if any further assistance is necessary.
b. *Hard of Hearing/Deaf*
   Alert the person that there is an emergency situation by using hand gestures or by turning the light switch on and off. Verbalize or mouth instructions or provide the individual with a short note containing instructions. Offer assistance as you leave the building.
c. *Mobility Impaired*
   Since elevators should not be used for evacuation during most emergencies, persons with mobility impairments (any impairment which renders an individual unable to exit the building on their own) will need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary.

   If you can, accompany the individual to a safe place (i.e., Emergency Evacuation Rescue Area, which is a corridor near an exit stairwell or inside the stairwell). Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the exact location of the person needing assistance. If you cannot accompany or remain with the individual, you should proceed directly out of the building and to emergency personnel to notify them of the exact location of the person needing assistance. DO NOT attempt to carry an individual out of a building. You could hurt that individual and yourself.

   Evacuating individuals who cannot exit the building due to any condition, for example if the individual uses a wheelchair or walker, will require that the individual go to an Emergency Evacuation Rescue Area.

4. Emergency Evacuation Rescue Area: Unless otherwise designated, this will be at the top of the stairwell landings on every level above or below exit grade level in any building.

Note: It is important for persons with disabilities to work with the instructor, professor, teaching assistant, facilitator, director, supervisor, co-worker, co-student, or residence hall staff to pre-plan for any special considerations required for evacuation that are not included in this guideline.

Applicable Regulations

International Fire Code Chapter 8 (2003 edition)	29 CFR § 1910 Subpart E
International Fire Code Chapter 9 (2003 edition)	29 CFR § 1910 Subpart L
International Fire Code Chapter 10 (2003 edition)	Arizona Admin. Code R4-36-201 *et seq.*

ARIZONA STATE UNIVERSITY
FIRE REPORT, RESIDENCE LIFE, CALENDAR 2012/2014

Facility Official Name	Site Location/ Campus	# Fire Drills/ Year	Fire Suppression/ Sprinklers	Fire Detection System	YEAR	Fire Incident No./ Date	Cause of Fire	# Injuries Medical Treatment Facility	# of Deaths	Value of Property Damage
TAYLOR PLACE - NORTH TOWER 120 E. Taylor St. Phoenix AZ	DOWNTOWN	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
TAYLOR PLACE - SOUTH TOWER 120 E. Taylor St. Phoenix.	DOWNTOWN	4 4 4	Yes Yes Yes	Yes Yes yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BELL HALL (no occupancy) 6100 S. Amulet	POLYTECHNIC	No Occ.	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CENTURY HALL 5937 S Backus Mall (New in 2013)	POLYTECHNIC	NA 4 4	NA Yes Yes	NA Yes Yes	2012 2013 2014	NA 0 0		NA 0 0	NA 0 0	NA 0 0
DEAN HALL (no occupancy) 6120 S. Amulet	POLYTECHNIC	No Occ.	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
EAGLE RESIDENCE HALL 5815 W. Sterling	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
FALCON RESIDENCE HALL 7303 E. Tahoe Ave.	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
MUSTANG RESIDENCE HALL 5816 S. Avery	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO BLANCO HALL 6060 Williams campus Loop E	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PHANTOM RESIDENCE HALL 5829 S. Twining	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
TALON RESIDENCE HALL 5830 S. Twining	POLYTECHNIC	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHI COMMONS (EAST) 739 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHI COMMONS (NORTHEAST) 739 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHI COMMONS (NORTHWEST) 739 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHI COMMONS (SOUTH) 739 E. Apache Blvd	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHI COMMONS (SOUTHWEST) 739 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHIA II COMMONS EAST 1339 S. Sunset Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
ADELPHIA II COMMONS WEST 1339 S. Sunset Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – AGAVE 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – CEREUS 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – COTTONWOOD 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – HONORS 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0

BARRETT HONORS COLLEGE – JUNIPER 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – ROSEWOOD 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	12/22/12 0 0	Unknown cause: paper/debris	0 0 0	0 0 0	$200 0 0
BARRETT HONORS COLLEGE – SAGE 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
BARRETT HONORS COLLEGE – WILLOW 851 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
M.O. BEST HALL A WING 1201 S. Forest Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
M.O. BEST HALL B WING 1201 S. Forest Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
M.O. BEST HALL C WING 1201 S. Forest Ave	TEMPE	4 4 4	Yes Yes yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING A 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING B 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING C 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING D 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING E 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING F 909 S. Terrace Re.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
CHOLLA APARTMENTS BUILDING G 909 S. Terrace Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE 1201 S. McAllister Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – ACACIA 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	12/19/12 0 0	Intentional: cardboard box on stove top	0 0 0	0 0 0	$400 0 0
HASSAYAMPA ACADEMIC VILLAGE – ACOURTIA 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – ARROYO 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – CHUPAROSA 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – JOJOBA 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – MOHAVE 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HASSAYAMPA ACADEMIC VILLAGE – VERBENA 711 E. Lemon St.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 5/25/2013 0	Undetermined	0 0 0	0 0 0	0 0 0
HAYDEN HALL 250 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HAYDEN HALL EAST 1260 S. College Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
HAYDEN HALL WEST 1251 E. Forest Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 9	0 0 0	0 0 0
IRISH HALL B (NORTHWEST) 1250 S. College Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0

IRISH HALL C (SOUTHWEST) 1250 S. College Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
MANZANITA HALL 600 E. University Dr.**	TEMPE	Closed 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	Closed 0 0		Closed 0 0	Closed 0 0	Closed 0 0
MCCLINTOCK HALL 951 S. Forest Mall	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE EAST 510 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE MAIN A 500 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE MAIN B 500 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE MAIN C 500 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE MAIN D 500 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE MAIN E 500 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
PALO VERDE WEST 430 E. University Dr.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
SAN PABLO RESIDENCE HALL 555 E. Veterans Way	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
SAN PABLO RESIDENCE HALL (CLASSROOM) 555 E. Veterans Way	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
SONORA CENTER 1480 S. Rural Rd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
UNIVERSITY TOWERS 525 S. Forest Ave.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VILLAS AT VISTA DEL SOL 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL B 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL C 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL D 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL E 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL F 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL G 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL H 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL I 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL J - WEST TOWER 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
VISTA DEL SOL K - EAST TOWER 701 E. Apache Blvd.	TEMPE	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0

CASA DEL ORO **4811 W Verde Mall** (New in 2013)	WEST	NA 4 4	NA Yes Yes	NA Yes Yes	2012 2013 2014	NA 1 0	4/01/2013 Undetermined	NA 0 0	NA 0 0	NA 0 0
LAS CASAS - A WING (SE) **13510 N. 49th Ave.**	WEST	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
LAS CASAS - B WING (NE) **13510 N. 49th Ave.**	WEST	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0
Havasu Resident Hall	Havasu City	4 4 4	Yes Yes Yes	Yes Yes Yes	2012 2013 2014	0 0 0		0 0 0	0 0 0	0 0 0

Health and Safety Inspections

The University continues to assess and upgrade fire and life safety equipment/systems as an ongoing process to ensure that all equipment meets applicable codes and standards. The Office of Environmental Health & Safety (EH&S) performs Residence Hall Health and Safety Inspections and fire drills at least four times a year, at least one each quarter. Inspections will be announced only during the first round of the fall semester. All other inspections are unannounced. The EH&S inspections are primarily designed to find and eliminate safety violations. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This health and safety inspection will also include a general assessment of food and waste storage and other sanitary considerations of the room. Prohibited items will be immediately disabled with a locking device or confiscated and donated/discarded if found, without reimbursement.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop, and/or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open. Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping. Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.

A daily fire log is available for review 24 hours a day on the ASUPD website at **http://police.asu.edu** or at ASU Police lobby at the Tempe campus. The information in the fire log typically includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

Tobacco use is prohibited on university property, facilities, grounds, parking structures, university-owned vehicles and structures owned or leased by the university. Almost three-fourths of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly.

PARKING AND TRANSIT SERVICES

ASU Parking and Transit Services runs The Motorist Assistance Program (MAP) which includes help with a dead battery and assistance when car keys are locked inside the vehicle for the four campuses in the Phoenix Metropolitan area:

Downtown Phoenix Campus	**Polytechnic Campus**	**Tempe Campus**	**West Campus**
Mon-Fri: hours vary	Mon-Fri: hours vary	Mon-Thur: 7am-10pm	Mon-Fri: hours vary
602-496-1023	480-727-2775	Fri: 7am - 8:30pm	602-543-3258
		480-965-0641	

Parking and Transit Services encourages all Sun Devils who bike on campus to register their bicycles with ASU. Bike registration is free and easy! Registration may assist in recovering a bicycle in the event it is stolen and may deter theft since registered bicycles are kept on record with ASU Police.

Sun Devils may choose any of the following options to register their bikes:

- Stop by the bike valet station located just east of the Memorial Union on the Tempe campus
- Visit any of the PTS campus customer service office locations*
- Register online at parking.asu.edu and go to "My Transportation Account"

*Registration is not available at the PTS @ The MU office.

Some of the benefits that registered cyclists enjoy include use of the Tempe and Downtown Phoenix campus card-access bike-parking facilities as well as expedited drop-off service at the free Tempe bike valet station.

SECURITY AND ACCESS TO CAMPUS BUILDINGS AND GROUNDS

As a public university, many areas on ASU's campuses are accessible to the general public 24 hours a day. Consequently, regardless of the time of day or night, and no matter where you may be on campus, it is important for you to be alert and aware of your surroundings and exercise personal safety at all times.

Non-Residential Buildings

Most campus buildings and facilities are open during regular business hours during the day and evening when classes are in session and events are occurring. At other times, university buildings are generally locked and only faculty, staff, students, and authorized individuals are admitted. Do not leave doors propped open or unlocked after hours. Remember, if your campus keys/access cards are lost or stolen, report the loss immediately to your department and the **ASU Police key control**, by calling (480) 965-6090. At ASU Colleges at Lake Havasu City, report lost keys or access cards to administrative staff in Santiago Hall or call (928) 854-9705.

The Academic Building Security (ABS) program was started in 1998 to add a higher level of security to the academic buildings. Police aides patrol the academic buildings on campus by foot. Police aides assist the patrol officers with their duties and provide, when available, safety escorts for members of the university community. Police aides assist with security of the community by serving as the "eyes and ears" of the department.

Residential Buildings

Approximately 10,000 students live on the ASU Tempe campus, 1,413 on the Polytechnic campus, 534 on the West campus, and 1,279 on the Downtown Phoenix campus. University Housing manages the residential facilities at the Tempe, Poly, West, and Downtown Phoenix Campuses, and Havasu Hospitality Partners, LLC manages the residential facilities at ASU Colleges at Lake Havasu. Access to all ASU residential facilities is restricted to residents and their guests. Residents are expected to comply with hall visitation policy, to lock doors when leaving rooms, to close and lock outside doors when found open, to use only designated entrances to the facilities, and to deny entrance to non-residents and uninvited guests. Report non-compliance of these guidelines to your residence hall staff immediately.

To provide additional residential building safety, the police aide patrol provides additional security for students and staff at the ASU Campuses in the Phoenix metropolitan area. The coordinated efforts of police patrols, police aide patrols, and University Housing staff help to promote an increased awareness of safety issues. Information about security measures at individual campuses is available through the hall staff or from officers identified in this document.

MISSING STUDENT NOTIFICATION POLICY

In compliance with the Higher Education Opportunity Act, the university has established a Missing Student Notification Policy which describes the formal notification procedure to be followed when a student residing in on-campus housing has been reported missing for more than 24 hours. (An on-campus student housing facility is defined as any dormitory or other residential facility for students located on an institution's campus even if the building is owned or maintained by a student organization or another party.) Report any student missing for more than 24 hours, sooner if suspicious circumstances exist, to ASU Police at (480) 965-3456 and, in Lake Havasu, contact the Lake Havasu Police at (928) 855-4111.

Each Arizona State University student residing on-campus may identify an individual to be contacted by the university in the event that the student is determined to be missing for at least 24 hours. The contact person will be notified within 24 hours of the report. The contact person will be confidential and utilized only for this purpose and only by authorized officials or police. Unless otherwise specified by the student to University Housing, the university will consider the parent/guardian or other primary emergency contact provided to the university by the student to be the person to be contacted in the event the student is determined to be missing. For students under the age of 18 and not emancipated, the university is required to notify the custodial parent or guardian not later than 24 hours after a student is deemed missing. The Missing Student Notification Policy is available at **http://www.asu.edu/aad/manuals/ssm/ssm1001-07.html.** To register an emergency contact, visit **https://asu.secure.force.com/kb/articles/How_To/Submit-your-Emergency-Contact-Information-for-University-Housing**

ASU CAMPUS MAINTENANCE

The Tempe, West, Polytechnic, and Downtown Phoenix campuses are maintained by ASU Facilities Development and Management**.** Facilities Development and Management maintains and responds to reports of malfunctioning equipment within campus buildings and residence halls.

To foster a safe campus environment, the ASU Police Department periodically consults with Facilities Development and Management regarding the maintenance and location of landscaping foliage and exterior lighting. To report deficiencies or request service:

FOR URGENT FACILITY NEEDS: 24-HOURS A DAY, 7 DAYS A WEEK

Tempe:	480-965-3633
Polytechnic:	480-965-3456
West:	480-543-3200
Downtown Phoenix:	602-496-1502
Residential Facilities:	480-965-3633

FOR NON-EMERGENCY REQUESTS: **https://cfo.asu.edu/fdm-requests-for-service**

Taylor Place residents: If you need to request repairs to your room (such as a burned out light bulb, leaky faucet, etc.), go to the Taylor Place Management Office between 8 a.m. – 8 p.m. to fill out your work order request.

ASU Colleges at Lake Havasu City: For maintenance issues M-F, 8am-5pm, students contact the administrative assistant in Santiago Hall at the campus administration office in person or by telephone (928) 854-9740. After hours and weekends for maintenance emergencies, students contact the maintenance technician directly who is on-call at (602) 725-0107. If having difficulty contacting the maintenance technician, they can call the administrative assistant (who lives on site) at (928) 846-2481 or the Resident Assistant at room 101 or (949) 599-8657.

CAMPUS SAVE ACT

Sexual Assault, Domestic and Dating Violence, and Stalking

The Campus Sexual Violence Elimination Act (SaVE Act) was passed in March 2013 as part of the Violence Against Women Reauthorization Act (VAWA). As a result, universities must include statistics on incidents of domestic violence, dating violence, sexual assault, and stalking.

ASU specifically prohibits dating violence, domestic violence, sexual assault, and stalking. ASU recognizes that sexual misconduct, including sexual violence, is a societal problem, and members of university and college communities certainly have not been immune. Such violence has a profound impact on a victim's academic, social, and personal life, and negatively affects the experiences of their friends and families, other students, and all members of the university community.

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. ASU does not discriminate on the basis of sex in the employment, education programs or activities it operates. ASU's Title IX Coordinator (480-965-0696) works with the Office of Equity and Inclusion (OEI) which is available to investigate and resolve allegations of unlawful discrimination or harassment, including all forms of sexual misconduct involving faculty, staff and other ASU affiliates. The Title IX Coordinator also works with ASU's Student Rights and Responsibilities, which investigates and resolves allegations involving Student Code of Conduct violations. All complaints of such conduct are taken seriously and appropriate action will be taken to hold violators accountable and to prevent any recurrence.

Arizona State University is committed to combatting this complex social problem and strives to foster a positive learning, working and living environment that promotes every individual's ability to participate fully in the ASU experience without fear of sexual harassment, sexual violence, sexual assault, domestic violence, dating violence, or stalking. Through university policies (e.g., ACD 401, SSM 104-01, SSM 104-04), awareness efforts, education and training programs, and advocacy, every member of the ASU

community should be prepared to actively contribute to a culture of respect. To view ASU policies, education, and training programs, and resources go to **https://sexualviolenceprevention.asu.edu/**

ASU has a comprehensive campaign involving training, awareness, and prevention, for new and returning students and employees, to address sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The program is culturally relevant, inclusive of diverse communities and identities, and responsive to the needs of the ASU community. An overview of the program is provided at Appendix A.

In Fall 2015, more than 10,000 students will participate in training to learn how to raise awareness about sexual violence, prevention, and bystander intervention through education in their ASU 101 classes. Additionally, in Fall 2015, all new ASU students (first-time freshmen, transfers, and new graduate students) will be asked to complete *A Community of Care,* an online educational module designed to provide information and training about ASU's values and code of conduct as well as training to enhance awareness of sexual violence and its impact on college students, and to provide critical information on what to do if you or someone you know experiences sexual violence. Expanded sexual assault prevention training and education is also provided to all faculty and staff. Information on ASU's numerous, ongoing training and education programs dedicated to combating sexual violence, sexual assault, domestic violence, dating violence, and stalking is located at **https://sexualviolenceprevention.asu.edu/**. This web portal provides a comprehensive list of campus and other available resources. All of this work is in addition to the training provided on Consent and Respect in fall 2014 in which 34,979 students completed an online training on sexual violence education and prevention.

To prevent sexual assault, domestic violence, dating violence, and stalking, members of the ASU community must commit to looking out for one another. An overview of ASU's bystander training is found at Appendix A. As part of the training, attendees learn about safe and positive options for preventing harm and intervening when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Training includes recognizing situations which could increase the potential for harm, understanding conditions that facilitate violence, overcoming barriers that keep people from intervening, safe and effective intervention options, and steps for taking action to intervene.

Do your part:

- Notice what is happening: Can you help or should you go find help?
- Risk Evaluation: Is it safe for you to help? Is it an emergency?
- Decide what you will do: Call 9-1-1, or intervene. Ask others for help.

Training also focuses on risk reduction (Appendix A). Options for acting are presented with the intent of decreasing bystander inaction, increasing victim empowerment, promoting safety, and addressing conditions that facilitate violence.

Cases involving allegations of sexual assault, domestic violence, dating violence, and stalking which are reported at ASU are promptly, fairly, and thoroughly investigated. ASU provides victims with resources that let them know they are not alone including, but not limited to, providing guidance on finding a safe place, filing a police report, talking with counselors, seeking medical care, and changing student living, academic, transportation, or work situations. To learn more, visit **https://sexualviolenceprevention.asu.edu/**

Campus SaVE Act Statistics

The Campus SaVE Act requires ASU to compile statistics on domestic violence, dating violence, and stalking in addition to the other enumerated crimes. The Campus SaVE Act defines domestic violence and dating violence by referencing the applicable state laws. In Arizona, domestic violence and dating violence are found in Arizona Revised Statutes § 13-3601; both are consolidated under the domestic violence category.

The Campus SaVE Act expanded the University's role in reporting and responding to crimes[1] of domestic violence, dating violence, sexual assault, and stalking. The Arizona Revised Statutes and Campus SaVE Act contain the following definitions:

A.R.S. § 13-1406 Sexual Assault

A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

The Campus SaVE Act also includes, under the category of sexual assault, the specific offenses of rape, statutory rape, fondling, and incest as used in the FBI's UCR program. These terms are defined in the Crime Definitions section of this report.

A.R.S. § 13-1401 "Without Consent"

"Without consent" includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property;
- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant ("mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another);
- The victim is intentionally deceived as to the nature of the act;
- The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

A.R.S. § 13-3601 Domestic Violence

A crime of violence or criminal damage, if any of the following apply:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

[1] The ASU Student Code of Conduct includes administrative definitions for these matters that control in the course of a student disciplinary proceeding.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. **[Dating Violence]** The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

(a) The type of relationship.

(b) The length of the relationship.

(c) The frequency of the interaction between the victim and the defendant.

(d) If the relationship has terminated, the length of time since the termination.

Under the Campus SaVE Act, domestic violence includes a felony or misdemeanor crime of violence. Dating violence includes sexual or physical abuse or the threat of such abuse.

A.R.S. § 13-2923 Stalking

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

1. Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears for the person s safety or the safety of that person's immediate family member.

2. Would cause a reasonable person to fear death of that person or that person's immediate family member and that person in fact fears death of that person or that person's immediate family member.

The Campus SaVE Act and the ASU Student Code of Conduct also consider stalking to include engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress.

Reporting the Incident

We strongly encourage victims of sexual assault, domestic violence, dating violence, sexual harassment, or stalking to seek support and report the incident. The following reporting options are available to ASU students, faculty and staff who have been victimized or who know someone who has been or is being victimized. We understand individual circumstances may determine if and how a victim chooses to make a report. A victim can choose to pursue one or more of these reporting options by going to **https://sexualviolenceprevention.asu.edu/**

File a criminal report with the ASU Police Department

- File a report with the ASU Office of Student Rights and Responsibilities
- File a report with the ASU Office of Equity and Inclusion, (480) 965-5057, University Center Bldg. A, 1100 E University Dr., Tempe, AZ
- Anonymously Report an incident by calling the ASU Hotline at 877-786-3385

- Unsure who to talk to? Contact the university **Title IX Coordinator**: TitleIXCoordinator@asu.edu; (480) 965-0696

Victims of sexual assault, domestic violence, dating violence, or stalking are encouraged to report the assault to police. ASU Police can be contacted 24 hours a day at (480) 965-3456 or refer to **https://sexualviolenceprevention.asu.edu/**. Reporting is best done as soon as possible after the act, but it may be done at any time. It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or which may be helpful in obtaining a protective order. In an effort to preserve evidence, victims of sexual assault should not shower, douche, urinate, brush their teeth, or change/discard their clothing until evidence can be collected. Try to preserve evidence even if you are unsure at the time whether to pursue pressing criminal charges. Reporting a sexual assault, domestic violence, dating violence, or stalking to ASU Police does not require the filing of criminal charges, but it does activate all support systems, including campus resources.

Victims may notify ASU Police or local law enforcement directly or, if the victim so elects, the ASU Office of Student Rights and Responsibilities or a Campus Security Authority (identified later in this report) can assist the victim in notifying law enforcement authorities. A victim may decline to notify law enforcement but still take advantage of all other ASU and local support systems. When a student or employee reports to ASU that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, ASU will provide the student or employee a written explanation of the student's or employee's rights and options.

ASU will maintain the confidentiality of the information it receives, except where disclosure is required by law, necessary to protect the health, safety, or security of others, or is necessary to facilitate legitimate university processes, including the reporting, investigation and resolution of discrimination, harassment or retaliation allegations. ASU will also complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. If a "timely warning" is required related to an act of sexual violence, ASU will not disclose the names of victims. For greater confidentiality, see Confidential Conversation below.

Free Forensic Sexual Exam

The Federal Government under the Violence Against Women Reauthorization Act (VAWA) requires states which receives federal funding under VAWA, as Arizona does, to provide forensic sexual examinations to all victims regardless of whether police involvement is desired. The forensic sexual exam is always free of charge to the victim of a crime of sexual violence.

If a victim chooses to report a crime of sexual violence to the ASU Police Department, the police will assist the victim in contacting a Sexual Assault Response Team Center. However, as noted, a victim may obtain a forensic sexual examination without police involvement. To obtain a free exam, a victim should contact:

Sexual Assault Response Team (SART) Centers
The following Phoenix area family advocacy centers can perform this examination:

- **Mesa Family Advocacy Center**
  225 E. 1st St., Mesa, AZ 85201
  480-644-4075
  http://acfan.net/centers/mesa-center.htm
- **Family Advocacy Center**
  2120 N Central Ave. # 250, Phoenix, AZ 85004-1453

602-534-2120
http://phoenix.gov/fac/index.html

- **Scottsdale Family Advocacy Center**
  10225 E. Via Linda, Scottsdale, AZ 85258
  480-312-6309
  http://www.acfan.net/centers/scottsdale-family.htm
- **Glendale Family Advocacy Center**
  4600 W. Glendale Ave., Glendale, AZ 85301
  623-930-3720
  http://www.acfan.net/centers/glendale.htm
- **Havasu Abuse Victim Education Network (HAVEN)**
  2174 McCulloch Blvd., Lake Havasu City, AZ 86403
  928-505-3153
  http://www.acfan.net/centers/glendale.htm

Orders of Protection or Restraining Orders

A person who is being victimized may file a petition with a magistrate, justice of the peace, or superior court judge for an order of protection or restraining order. The petition must state the name of the plaintiff, name and address of the defendant, if known, specific statements of alleged incidents, relationship between the parties, and desired relief. A filing fee may be required. Go to **http://justicecourts.maricopa.gov/CaseTypes/domesticviolence.aspx** for further information on obtaining an order of protection or restraining order.

To obtain additional information on the forms necessary to file a petition, please contact:
Tempe Campus - University Lakes Justice Court at **602-372-3400**
West Campus - North Valley Justice Court at **602-372-2000**
Polytechnic Campus - San Tan Justice Court at **602-372-3400**
Downtown Campus – Encanto Justice Court at **602-372-6300**
ASU Colleges at Lake Havasu – Lake Havasu City Consolidated Court at **928-453-0705**

Any person on university property who has obtained an order of protection may contact ASU Police for assistance in enforcing the order.

Confidential Conversation

ASU is committed to the health and safety of our community. Victims are not alone; we are here to help. If you wish to have a **confidential** conversation, you can contact ASU Counseling, the ASU Employee Assistance Office, or ASU Health Services.

ASU Counseling

- Downtown Phoenix: 602-496-1155
- Polytechnic: 480-727-1255
- Tempe: 480-965-6146
- West: 602-543-8125
- Lake Havasu: 480-965-6146

ASU Employee Assistance Office (Employees)

- 480-965-2271 all campuses

ASU Health Services:

- Downtown Phoenix: 602-496-0721
- Polytechnic: 480-727-1500

- Tempe: 480-965-3349
- West: 602-543-8019

Please go to **https://sexualviolenceprevention.asu.edu/** for more information.

Professional counselors are encouraged, if and when they deem it appropriate, to inform a person receiving counseling of the procedure for reporting a crime on a voluntary, confidential basis for the purpose of including the crime in the annual disclosure of crime statistics.

Changing a Victim's Academic, Living, Transportation, and/or Working Situation

Even if the victim elects not to report an incident of sexual assault, domestic violence, dating violence, or stalking to campus police or local law enforcement, ASU can help the victim. ASU will provide written notification to victims about options, available assistance, and how to request changes to academic situations, living situations, transportation, and working situations. The notification will also address the availability of protective measures.

ASU will comply with a victim/student's request for a **living** situation change or protective measures. The available options include, but are not limited to:

- Breaking an ASU residential life license agreement so the victim/student may seek housing off campus.
- Moving the victim/student to another ASU residential facility on a temporary or long-term basis, if space is available.
- ASU will comply with a victim/student's other reasonable requests to make a living situation change.

To make a living situation change, the victim/student should:

- Between 8 a.m. and 5 p.m., call ASU Housing at 480-965-3515. Lake Havasu students should contact the administrative assistant in Santiago Hall.
- After hours, contact the Front Desk, Community Assistant (CA), Assistant Director, or Community Director at the victim/student's current residential living facility. These ASU employees can contact a Residential Life Professional Staff Member 24 hours per day who can facilitate a living situation change.

ASU will comply with a victim/student's request for an **academic** situation change. The available options include, but are not limited to:

- Allowing the victim/student to complete a class without being physically present in the same room as the accused.
- Allowing the victim/student to change classes if the same class is held at another time, another location, and/or via another venue during the same semester.
- ASU will comply with a victim/student's other reasonable requests to make an academic situation change.

To make an academic situation change, the victim/student should contact:

- Dean of Students Office: 480-965-6547

- Lake Havasu: Academic Success Specialist: 928-854-9703

ASU will comply with a victim's request for a **transportation** situation change or protective measures. The available options include, but are not limited to:

- Allowing the victim to make a parking permit change so the student or employee can park in a different ASU parking lot.
- Assisting the victim in obtaining information and making arrangements to utilize alternate public transportation
- ASU will comply with a victim's other reasonable requests to make a transportation situation change.

To make a transportation situation change, the victim should contact:

- Dean of Students Office: 480-965-6547 (students)
- Lake Havasu: Academic Success Specialist: 928-854-9703 (students)
- Office of Equity and Inclusion: 480-965-5057 (employees)

ASU will comply with a victim's request for a **working** situation change. The available options include, but are not limited to:

- Allowing the victim, who is an ASU student worker or employee, to move to another work location or shift, if available.
- Assisting the victim, who is an ASU student worker or employee, to find another work opportunity.
- If the victim/student works off campus for a non-ASU employer, assisting the student in identifying student worker opportunities on campus.
- ASU will comply with a victim's other reasonable requests to make a working situation change.

To make a working situation change, the victim should contact:

- Dean of Students Office : 480-965-6547 (students)
- Lake Havasu: Academic Success Specialist: 928-854-9703 (students)
- Office of Equity and Inclusion: 480-965-5057 (employees)

ASU will provide written notification to a victim about the above-mentioned options. ASU will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair ASU's ability to provide the accommodation or protective measures.

ASU also provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the university and in the community. Resources can be obtained at **sexualviolenceprevention.asu.edu**.

Additionally, when a student or employee reports that he or she has been a victim of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, ASU will provide the student or employee with a written explanation of the student or employee's rights and options.

"Consent" Under ABOR Student Code of Conduct

According to the ABOR Student Code of Conduct, "consent" is defined as:

"Consent" in the context of sexual activity means informed and freely given words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

Consent may not be inferred from: 1) silence, passivity or lack of resistance, 2) a current or previous dating or sexual relationship, 3) acceptance or provisions of gifts, meals, drinks, or other items, or 4) previous consent to sexual activity.

Consent may be withdrawn during sexual activity. Consent to one form of consensual sexual activity does not imply consent to any other form of sexual activity.

Consent may not be obtained through physical force, violence, duress, intimidation, coercion, or an expressed or implied threat of injury.

Consent may never be given by a person who is: incapacitated (by drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically or mentally unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that violated this Student Code of Conduct.

Consent cannot be given by someone who, by virtue of age, circumstances or other factors, is deemed by law to be incapable of giving consent.

University Complaint and Disciplinary Proceedings for Students and Employees

In cases of sexual assault, domestic violence, dating violence, and stalking, ASU shall provide prompt, fair, and impartial proceedings, which will include an administrative investigation and a resolution process. The process for filing a disciplinary complaint against a student and the various steps in the complaint review process are found in the Student Code of Conduct (Appendix B) and the Student Disciplinary Procedures (Appendix C). The process for filing a disciplinary complaint against an employee and the steps in the complaint review process are found in ACD 401 and P20 (Appendix D). The type of proceeding will be determined by the circumstances of the allegation. The various disciplinary policies and procedures applicable to administrators, faculty, academic professionals, and staff are found in SPP 808 (Appendix E), SPP 809 (Appendix F), ABOR 6-201 (Appendix G), ABOR 6-302 (Appendix H), and ABOR 6-101 (Appendix I). For sworn law enforcement officers, discipline will also be administered in accordance with A.R.S. § 38-1101 *et seq.*

Proceedings shall be conducted by officials who receive annual training on issues related to sexual assault, domestic violence, dating violence, and stalking. They shall receive training on how to conduct an investigation and a hearing process that protects the safety of victims, promotes accountability, and is just. Officials will not have a conflict of interest nor bias for or against the accuser or accused.

In these proceedings, the accuser and accused are both entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Both the accuser and the accused shall be simultaneously informed, in writing, of the outcome of the disciplinary proceeding, the University's procedures for the accused and the accuser to appeal the results of the disciplinary proceeding (if an

appeal process applies), any change to the results that occurs prior to the time that the results become final, and when the results become final, and the rationale for the decision. (If the alleged victim is deceased as a result of such action, the next of kin of the victim shall be treated as the alleged victim.) A preponderance of evidence standard will apply to all university proceedings.

The parties will be given timely and equal access to any information which will be used during informal and formal disciplinary meetings and hearings. Proceedings will be completed within a reasonably prompt timeframe, which includes a process for extension of timeframes for good cause with written notice to the accuser and accused with reasons for the delay.

If an accused student is suspended or expelled, either that student or the victim/student may appeal to the University Hearing Board. The aforementioned rights and procedures also apply to this appeal process.

ASU, its officers, employees, and agents, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights to avail themselves of any ASU complaint or appeal procedures.

Sanctions

Sexual assault, domestic violence, dating violence, and stalking are criminal acts which carry criminal and civil penalties under state and/or federal law. Such conduct is also contrary to ASU policy and can lead to administrative and/or disciplinary action. University students found responsible for committing such conduct may be subject to the following University sanctions: expulsion, suspension, degree revocation, academic probation, warnings, administrative hold, restricted access to University property, organizational sanctions, educational response, program/support termination, interim action, restitution, notation on transcript, or other sanctions permissible under University policy. ASU employees, including student workers, found responsible for committing such conduct may face sanctions including, but not limited to, written reprimand, demotion, suspension, termination of employment, or other action permissible under University policy.

Retaliation

ASU prohibits retaliation by its officers, employees, students, representatives, or agents against a person who exercises his or her rights or responsibilities under any provision of the Campus SaVE Act. No one may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under the Act. Retaliation is also prohibited under ABOR 5-308, Student Code of Conduct, and ACD 401, Prohibition Against Discrimination, Harassment and Retaliation.

Crime Prevention Programs: Sexual Violence

ASU Police, the Dean of Student's Office, and other departments on campus provide numerous ongoing educational programs in the effort to reduce the risk of sexual violence. Beginning with summer orientation and continuing throughout the year, new and returning students are provided the opportunity to attend educational presentations related to sexual violence prevention and survival. To learn more, contact the ASU Police Crime Prevention Unit at (480) 965-1972 and refer to **https://sexualviolenceprevention.asu.edu/**.

The ASU Police crime prevention unit has implemented a nationally recognized self-defense program: Rape Aggression Defense Systems (R.A.D.). R.A.D. is a 12-hour training course designed to maximize the physical defensive abilities of women. Unlike other self-defense programs, RAD teaches basic,

practical techniques that require no special fitness level or equipment. The objective of the program is to help women develop and enhance the options of self-defense when being attacked. Participants have the opportunity to test their newly learned defensive strategies during simulated attack scenarios.

The R.A.D. program is an alliance of instructors who can assist one another with programs, equipment, experiences, and insight. Most importantly, they allow every participant a lifetime return and practice invitation, at no charge, anywhere a R.A.D. program is offered.

Annually, ASU hosts a Sexual Assault Response Panel. Attendees of this event learn about sexual assault services for ASU students, professional response to sexual violence, definitions of sexual assault and consent, perpetrator accountability, victim blaming, safety, and prevention tips. This event is sponsored annually by ASU Wellness and affiliated student organizations.

ASU Wellness provides education addressing sexual violence and consent in a variety of formats. Information and resources are available online and presentations are available on a variety of topics. Below are some examples of these. A full list can be found in Appendix A.

Consent 101: **https://eoss.asu.edu/wellness/alcoholwise**
Many students are unaware of the risk for sexual violence among college students nationally and lack understanding of the relationship between alcohol and sexual violence. Consent 101 pairs **Alcohol-Wise**, an online alcohol education and sexual assault prevention class, with an interactive presentation that challenges participants to take action to prevent sexual violence from happening as an individual, as a friend, and as a community member. Discussion includes strategies to prevent sexual violence as well as what to do if they or a friend experience sexual violence.

Frisky Business: **http://asu.orgsync.com/org/alist/sexual_health**
Frisky Business combines a review of sexual health promotion and sexual violence prevention information from the **A-List website** with an interactive discussion that challenges participants to examine relationship skills. Discussion emphasizes ways to communicate boundaries, assumptions and needs, how to ask for and recognize consent, and how to recognize and develop positive relationships. The presentation encourages using barriers for sexual protection and being tested for sexually transmitted infections.

Time to Go Out!! https://eoss.asu.edu/wellness/alcoholwise
"Time to Go Out!!" pairs **Alcohol-Wise**, an online alcohol education and sexual assault prevention class, with an interactive presentation that challenges participants to examine how they and their peers respond in situations where alcohol is being consumed. Content includes the role of alcohol in consent, relationships, and sex. The presentation emphasizes active bystander skill development and how to handle alcohol/drug medical emergencies.

Sexual Violence Peer Education Program Peer educators work with the ASU Wellness Sexual Violence Prevention and Education Team to plan and implement education programs and communications designed to reduce the incidence of sexual violence among ASU students. Peer educators are trained in sexual violence prevention and education, principles, and standards of practice for health promotion in higher education and diversity. For more information, contact **wellness@asu.edu**.

Poster and electronic communications designed to reduce risk of sexual violence are placed throughout ASU to reinforce the information provided through presentations and online courses.

Crime Prevention Tips: Sexual Violence

- Clearly communicate your sexual interests and boundaries with potential partners. Avoid sexual situations with people who disregard your opinions and limits.
- Ask questions to determine unquestionably if your partner has consented to sexual intercourse.
- State clearly, emphatically, and forcefully if consent is not given.
- Don't be afraid to cause a scene if you feel threatened.
- If you decide to drink alcohol, do so in moderation. Alcohol and drugs limit your ability to make good decisions for yourself and others.
- A national study found 73% of suspects and 55% of the victims were under the influence of alcohol or drugs at the time of the sexual assault.
- As a female, avoid parties where males greatly outnumber females.
- Remember that 9 out of 10 college student victims of sexual violence knew their assailant. Don't ever leave a party with someone you don't know well.
- Bystanders: Intervene if you see something happening that could lead to sexual violence. If you don't feel safe intervening on your own, call 9-1-1. Always lock your door when you are asleep or not in the room, even if you will only be gone for a minute.
- Sexual violence can happen to anyone. If you or a friend has experienced sexual violence visit the ASU Wellness website to learn what you can do. **https://eoss.asu.edu/wellness/SVHelp**

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act (CSCPA) mandates that convicted sex offenders who are required to register under state law must also disclose their association with institutions of higher education when applicable. Specifically affected are those registered sex offenders who attend as students, are employed by or employed at, or volunteer at institutions of higher education. The CSCPA amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in FERPA can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

The Arizona Department of Public Safety (DPS) has established the Arizona Sex Offender Info Center according to the requirements of A.R.S. § **13-3827**. Arizona DPS is responsible for maintaining the site and annually verifying the addresses of all registered sex offenders. For more information go to: **http://www.azdps.gov/Services/Sex_Offender/**

ASU Police, in conjunction with Arizona DPS and the Maricopa County Sheriff's Office, will notify the campus community of a registered sex offender, as required by law. The notification process could be through the Crime Alert Notification (CAN) network, safety alerts on the ASU Police Web page, and/or safety alert fliers posted on campus.

Sexual Assault and Violence Support Services

Those seeking support in the wake of a sexual assault or abuse can find help from a variety of organizations. Here are some of them:

Dean of Students Student Advocacy		
Tempe		(480) 965-6547
West		(602) 543-8152
Poly		(480) 727-5269
Downtown Phoenix		(602) 496-4357
ASU Sexual Violence Peer Education Program		(480) 965-4721
ASU Employee Assistance Office		(480) 965-2271
RAINN Sexual Assault Hotline (national)	1-800-656-HOPE(4675)	
Counseling Services:		
Tempe		(480) 965-6146
West		(602) 543-8125
Polytechnic		(480) 727-1255
Downtown		(480) 965-6146
CASA (Center Against Sexual Abuse)		(602) 254-6400
24-hour crisis line		(602) 254-9000
Empact: **24-hour crisis intervention**		(480) 921-1006
H.A.V.E.N. Family Resource Center (Lake Havasu City)		(928) 505-3153
Health Services:		
Tempe		(480) 965-3349
West		(602) 543-8019
Polytechnic		(480) 727-1500
Downtown		(602) 496-0721
Family Advocacy Center,	2120 N. Central Ave., Phoenix	(602) 534-2120
Center Against Family Violence	222 E. First St., Mesa	(480) 644-4075
Scottsdale Family Adv. Center	10225 E. Via Linda, Scottsdale	(480) 312-6309
Glendale Family Adv. Center	4600 W. Glendale, Glendale	(623) 930-3720

The Dean of Students at each campus serves as a student safety resource coordinator. Contact information is available on the web at **http://www.asu.edu/studentaffairs/vp/safetyresources/index.htm. Resources can also be found at https://sexualviolenceprevention.asu.edu/**

WEAPONS PROHIBITED ON CAMPUS

Possession or storage of weapons at any ASU residential housing facility is prohibited. Possession, use, or storage of weapons on land and in buildings owned, leased, or under the control of Arizona State University or its affiliated or related entities is prohibited, except as provided for in A.R.S. § **12-781**. This prohibition extends to all ASU vehicles present on any property owned or controlled by ASU or an ASU affiliate or related entity.

The definition of weapons includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including without limitation to: all firearms, TASER®, stun guns, BB guns, pellet guns, Airsoft guns, switchblade knives, knives with blades five or more inches long, and chemicals such as Mace, tear gas, or oleoresin capsicum (*excluding typical over-the-counter self-defense chemical*

repellents). Chemical repellents labeled "for police use only" or "for law enforcement use only" may not be possessed by the general public.

ASU students and employees are required to report known and suspected violations of the weapons policy to ASU Police immediately. Failure to report as required may result in sanctions under applicable Arizona Board of Regents (ABOR) and ASU policies governing student and employee conduct. [**A.R.S. § 13-2911, § 13-3102; Policy PDP 201-05; ABOR Policies 5-303(3), 5-308**]

Participants or attendees at public or special events held on campus or at university facilities may be required to submit to security checks as a condition of entry at the discretion of the event sponsor.

If you are a witness to a crime involving a weapon, please call 9-1-1 immediately. If you see a weapon of any kind on campus, alert ASU Police by calling (480) 965-3456, Lake Havasu City Police at (928) 855-4111, or **9-1-1**.

REPORTING HATE CRIMES & INCIDENTS

Hate crimes are not separate distinct crimes but instead involve any traditional criminal offense that is committed against a person or property, which is motivated by a victim's actual or perceived race, religion, ethnicity, national origin, gender, disability, gender identity, or sexual orientation. Arizona State University takes a strong stance against hate crimes, violent acts, property damage, intimidation, and threats because of a person's perceived personal characteristics.

Hate groups and individuals have the right to exist, assemble, and express their views. However, they do not have the right to break any laws. In Arizona, any speech that threatens violence or physical harm to specific persons or groups may constitute a crime. Most verbal and written expression is constitutionally protected, so racial slurs or derogatory speech is not enough to be considered a crime.

Hate crimes will not be tolerated or dismissed as "pranks" or "bad behavior." Hate crimes should be reported to the appropriate university departments and organizations so proper follow-through can occur. Immediately report any hate crime incident.

Reporting a hate crime is a key part of stopping hateful acts. If you or someone you know reports a hate crime, the matter will be taken seriously. A thorough investigation will be conducted and, if evidence warrants, administrative or criminal proceedings will follow.

Call or report the hate crime incident to police at 9-1-1 for an emergency; ASU Police at (480) 965-3456 or Lake Havasu City Police at (928) 855-4111 for a non-emergency. The crime or incident may also be reported or referred to the following entities at each campus:

	Office of Student Rights and Responsibilities	Committee for Campus Inclusion
Tempe	(480) 965-6547	(480) 965-6547
West	(602) 543-8152	(602) 543-8407
Polytechnic	(480) 727-1215	(480) 727-1165
Downtown Phoenix	(602) 496-1215	(602) 496-1208

ASU Colleges at Lake Havasu City, Office of the Dean of Student Affairs: (928) 854-9705

DISCIPLINARY ACTION: STUDENTS, STAFF, AND FACULTY

Students

Guided by ASU's commitment to excellence, access, and impact, the Office of Student Rights and Responsibilities (SRR) supports a safe and inclusive environment that fosters the intellectual, personal, social, and ethical development of all students. In partnership with university departments and programs, SRR helps students see themselves as responsible members in a diverse community. SRR provides students with the opportunity to consider the ways in which their conduct may define and impact their college experience—personally and in relationship with others.

SRR investigates allegations of student misconduct and determines whether a violation of the Student Code of Conduct (Appendix B) has occurred. Students who are found responsible for violations of the Student Code of Conduct are encouraged to reflect on their behaviors through the use of educationally-based sanctioning that assists the students in making informed choices and developing in a holistic manner (Student Disciplinary Procedures, Appendix C). Incident Reports are accepted from students, faculty, staff, or other persons who believe that a student or a student organization may have violated the ABOR Student Code of Conduct.

Fill out and submit the Incident Report to the Office of Student Rights and Responsibilities on the respective campus: **https://students.asu.edu/files/incidentreport.pdf**. No appointment is required to pick up or drop off an incident report.

SRR Staff may also initiate review under the Student Code of Conduct based on police reports, applicable newspaper articles, or other forms of documentation. ASU also works with local law enforcement to identify students involved in off-campus criminal conduct, including criminal conduct arising out of the off-campus activities of those student organizations officially recognized by the university.

Additionally, any relevant information pertaining to any student, found in the course of a review, may also be deemed to constitute a complaint and may be pursued accordingly under the ABOR Student Code of Conduct. The ABOR Student Code of Conduct and Student Disciplinary Procedures can be found at: **http://students.asu.edu/srr/code**

Staff and Faculty

Violations may result in disciplinary action, up to and including termination for staff and faculty (Appendixes E, F, G, and H).

The **Office of Equity and Inclusion** (**OEI**) is available to investigate and resolve allegations of unlawful discrimination or harassment in violation of **ACD 401** (Prohibition Against Discrimination, Harassment and Retaliation, Appendix D), including all forms of sexual misconduct involving faculty, staff and other ASU affiliates. All complaints of such conduct are taken seriously and appropriate action will be taken to hold violators accountable and to prevent any recurrence.

The employee grievance process is fully explained at the ASU Human Resources Web page and in ASU Policy **ACD 509-01**. Mediation services are available to all employees through the ASU Ombudspersons Committee.

ARIZONA STATE UNIVERSITY POLICY ON SUBSTANCE ABUSE

ASU's goal is to provide a drug-free environment for all university students and employees. To achieve this goal, ASU prohibits the unlawful use, possession, production, manufacture, and distribution of alcohol and other drugs and controlled substances. [Policies **SSM 106-03, SPP 315**, **ACD 119**, **ACD 122**,]

The Arizona Medical Marijuana Act (AMMA) (**A.R.S. § 36-2801**) was implemented in 2010 and tightly regulates the Arizona medical marijuana industry. However, possessing and/or using marijuana on ASU property (including residence halls), even while in possession of a medical marijuana card, is still illegal under A.R.S. § 15-108.A and persons may be criminally charged.

Arizona has some of the toughest drug laws in the country. Illegal possession of marijuana or drug paraphernalia is a felony which may be punishable by a minimum fine of $750, and incarceration for a minimum of 6 months. Additionally, DUI or driving while impaired by alcohol, prescription medication (including medical marijuana), over the counter medication, and illegal drugs is a crime! Be smart, don't drive under the influence.

In addition to Arizona state law, federal law has jurisdiction in Arizona and supersedes state law. Federal law is enforced by federal law enforcement agencies. Persons who violate federal law can be criminally responsible for those actions either in addition to state law violations or in lieu of state law violations.

ASU provides honest and factual information through organized programs in an effort to assist individuals to make decisions regarding the use of alcohol and other drugs. Information regarding the health risks associated with the use of alcohol and other drugs, drug awareness programs, and drug education and assessment programs are available to employees and students through ASU Wellness, ASU Health Services, the Employee Assistance Office, and ASU Counseling Services.

Alcohol and other drug education aimed at preventing underage and high risk drinking and drug abuse is provided by ASU Wellness. Classes and presentations can be found in Appendix A.

ASU Police partners with University Housing staff to present annual alcohol and drug awareness training for students living on campus. The format may be a presentation involving "Beer Goggles," an in-hall event designed to provide an alternative to drinking alcohol, discussions of myths surrounding drinking, legal penalties for violating state liquor laws, and administrative penalties of the Student Code of Conduct.

Copies of substance abuse policies are available from the Office of the Senior Vice President for Educational Outreach and Student Services (480) 965-2200. Detailed information regarding possession, use, and distribution of drugs and alcohol can be viewed at: **https://students.asu.edu/wellness/drugs**

It is a violation of university policy for employees to possess, consume, or be under the influence of alcohol while on duty (**SPP 801**). Employees found to be in violation of substance abuse policies (including student employees if the circumstances warrant) may be subject to corrective action up to and including dismissal from employment, under applicable university policies.

Legal Sanctions

Anyone who violates local, state, or federal law regarding alcohol or other drugs, including the illegal possession of drug paraphernalia, or who otherwise engages in illegal conduct is subject to prosecution and punishment by criminal and civil authorities in addition to disciplinary or administrative sanctions

issued by the university. (A schedule of substances and sanctions under federal law is available at **http://www.dea.gov/druginfo/ftp3.shtml**.)

It is a violation of law to purchase, possess, or consume alcohol if you are under the age of 21. It is a violation of law to consume alcohol in public, even if you are 21. Laws governing alcoholic beverages can be found in **Arizona Revised Statutes, Title IV**.

Resources at the ASU Tempe Campus

Committee for Campus Inclusion	(480) 965-6547
Career Services	(480) 965-2350
Family Resources	(480) 965-2940
Counseling Services	(480) 965-6146
Disability Resource Center	(480) 695-1234
Employee Assistance Office	(480) 965-2271
Behavioral Health Crisis (Employees)	(602) 222-9444
Equity and Inclusion	(480) 965-5057
Health Services	(480) 965-3346
International Students Office	(480) 965-7451
University Housing	(480) 965-3515
Safety Escort Service	(480) 965-1515
Dean of Students	(480) 965-6547
Wellness	(480) 965-4721

Resources at the ASU West Campus

Career Services	(602) 543-8124
Committee for Campus Inclusion	(602) 543-8152
Counseling Services	(602) 543-8125
Disability Resource Center	(602) 543-8145
Employee Assistance Office	(480) 965-2271
Behavioral Health Crisis Line (Employees)	(602) 222-9444
Equity and Inclusion	(480) 965-5057
Student Engagement	(602) 543-8200
University Housing (Las Casas)	(602) 543-2272
Housing (Casa de Oro)	(602) 543-5648
Safety Escort (Police)	(602) 543-3456
Dean of Students	(602) 543-8152
Student Health Services	(602) 543-8019
Wellness	(480) 965-4721

Resources at the ASU Polytechnic Campus

Committee for Campus Inclusion	(480) 727-1165
Career Preparation Center	(480) 727-1411
Counseling Services	(480) 727-1255
Disability Resource Center	(408) 727-1039
Employee Assistance Office	(480) 965-2271
Behavioral Health Crisis Line (Employees)	(602) 222-9444
Equity and Inclusion	(480) 965-5057
Health Center	(480) 727-1500
University Housing	(480) 727-1700
Safety Escort (Police)	(480) 727-3456
Dean of Students	(480) 727-5269
Wellness	(480) 965-4721

Resources at the ASU Downtown Phoenix Campus

Career Services	(602) 496-1213
Committee for Campus Inclusion	(602) 496-1208
Counseling Services	(602) 496-1155
Disability Resource Center	(602) 496-4321
Employee Assistance Office	(480) 965-2271
Behavioral Health Crisis Line (Employees)	(602) 222-9444
Equity and Inclusion	(480) 965-5057
Health Services	(602) 496-0721
Phoenix Day Child Care	(602) 252-4911
Phoenix Police	(602) 262-6151
University Housing	(602) 496-6711
Safety Escort (Police)	(602) 496-3456
Dean of Students	(602) 496-4357
Wellness	(480) 965-4721

Resources at the ASU Colleges at Lake Havasu City

Career Services	(928) 854-9703
Committee for Campus Inclusion	(480) 965-5057
Counseling Services	(480) 965-6146
Employee Assistance Office	(480) 965-2271
Behavioral Health Crisis Line (Employees)	(928) 855-3432
Equity and Inclusion	(480) 965-5057
Lake Havasu City Police	(928) 855-1171
University Housing	(928) 854-9740
Safety Escort	(928) 707-2489
Dean of Students	(928) 854-9740
Wellness	(480) 965-4721

Victim Services

Chandler Police Dept. Victim Services	(480) 782-4567
Gilbert Police Dept. Victim Services	(480) 635-7701
Glendale Police Dept. Victim Services	(623) 930-3030
Lake Havasu Victim Services	(928) 753-0719
Mesa Police Dept. Victim Services	(480) 644-4075
Phoenix Police Dept. Victim Services	(602) 261-8192
Scottsdale Police Dept. Crisis Intervention	(480) 312-5055
Tempe Police Dept. Victim Services	(480) 350-5400
Maricopa County, Victim/Witness Program	(602) 506-8522

OTHER GENERAL RESOURCES

For issues related to alcohol use, body image issues and eating disorders, depression/loneliness, drug abuse, HIV education, relationship issues including violence/sexual assault, stress, and the use of tobacco/smoking:

ASU Counseling Services

Tempe	https://eoss.asu.edu/counseling	(480) 965-6146
West		(602) 543-8152
Polytechnic		(480) 727-1255
Downtown		(602) 496-1155
Lake Havasu		(480) 965-6146

ASU Health Services

Tempe	https://eoss.asu.edu/health	(480) 965-3346
West		(602) 543-8019
Polytechnic		(480) 727-1500
Downtown		(602) 496-0721
Lake Havasu		(928) 965-3346

CAMPUS SECURITY AUTHORITY REPORTING CONTACTS

ASU Police

Tempe campus	(480) 965-3456
Polytechnic campus	(480) 727-3456
West campus	(602) 543-3456
Downtown Phoenix campus	(602) 496-3456
Lake Havasu	(928) 854-9708

Committee for Campus Inclusion

Tempe campus	(480) 965-6547
Polytechnic campus	(480) 727-1165
West campus	(602) 543-8407
Downtown Phoenix campus	(602) 496-1208
Lake Havasu	(480) 965-6547

Dean of Students

Tempe campus	(480) 965-6547
Polytechnic campus	(480) 727-5269
West campus	(602) 543-8152
Downtown Phoenix campus	(602) 496-4357
Lake Havasu	(928) 854-9703

University Housing

Tempe campus	(480) 965-3515
Polytechnic campus	(480) 727-1700
West campus (Casa de Oro)	(602) 543-5648
West campus (Las Casas)	(602) 543-2272
Downtown Phoenix campus	(602) 496-6711
Lake Havasu	(928) 854-9740

Office of General Counsel (480) 965-4550

Sun Devil Athletics (480) 965-2146

CRIME STATISTICS

Definitions

- *Aggravated Assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- *Arson:* Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- *Burglary:* The unlawful entry of a structure to commit a felony or theft.
- *Dating Violence:* violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship
    - The type of relationship
    - The frequency of interaction between the persons involved in the relationship.
- *Destruction/Damage/Vandalism of Property:* For Hate Crimes reporting, it is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- *Domestic Violence:* Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- *Drug Law Violations:* The violation of state and/or local laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance; arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental capacity.
- *Hate Crimes:* The commission of Murder/Non-negligent Manslaughter, Forcible Sex Offenses, Non-forcible Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny/Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property when motivated, in whole or in part, by the offender's bias toward a victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability.
- *Incest:* Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Intimidation:* For Hate Crimes reporting, it is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- *Larceny-Theft (Except Motor Vehicle Theft):* For Hate Crimes reporting, it is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another; includes attempted larcenies; excludes embezzlement, confidence games, forgery, and worthless checks.

- *Liquor Law Violations:* The violation of laws or ordinances prohibiting the manufacture, sale transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to an underage person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Driving under the influence is not included)
- *Motor Vehicle Theft:* The theft or attempted theft of a motor vehicle. This includes all cases where a vehicle is taken by persons not having authority or legal access, even if the vehicle is later abandoned.
- *Murder/Non-negligent Manslaughter:* The willful (non-negligent) killing of one human being by another.
- *Negligent Manslaughter:* The killing of another person through gross negligence.
- *Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Robbery:* The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- *Sex Offenses, Forcible:* Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
    - *Sexual Assault:* Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent.
    - *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental capacity.
- *Simple Assault:* For Hate Crimes reporting, it is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- *Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, OR suffer substantial emotional distress.
- *Statutory Rape:* Non-forcible, sexual intercourse with a person who is under the statutory age of consent.
- *Weapons Law Violations:* The violation of state and/or local laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Geographical Definitions

For the purposes of crime statistics reporting, the following geographical definitions apply:

1. **On-Campus Property:**
   Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
2. **Residential Facilities:**
   Institutions must disclose the total number of crime incidents, *including* those in on-campus residential facilities. This includes all housing facilities operated by University Housing and those

operated by private entities but located on campus property. Incidents and arrests occurring in residential facilities are duplicated in the on-campus totals and are not in addition to them.

3. **Non-Campus Property:**
   Any building or property owned or controlled by a student organization recognized by the institution; and any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is used by students and is not within the same reasonably contiguous geographic area of the institution.
4. **Public Property:**
   All public property that is within the same reasonably contiguous geographic area of the institution; such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution, if the facility is used by the institution in direct support of or in a manner related to the institution's educational purposes.

Crime Statistics for Public Property

For the purposes of crime statistics reporting, the following apply to statistics regarding public property as reported in the campus tables below:

Tempe Campus
Regarding public property for the Tempe Campus, the Tempe Police Department provided a statistical breakdown of criminal incidents. For additional information regarding the type or frequency of crimes, if any, that occurred within proximity to the ASU Tempe campus, please refer to the City of Tempe Police Department web page for crime statistics located at: **http://www.raidsonline.com/**

Regarding public property adjacent to SkySong, the Scottsdale Police Department reported there were no crimes at the properties in Scottsdale. For additional information regarding the type or frequency of crimes, if any, that occurred within proximity to the ASU SkySong facilities, please refer to the City of Scottsdale Police Department web page for crime statistics located at:
http://www.raidsonline.com/?address=Scottsdale%2CAZ

For information regarding the type or frequency of crimes, if any, that occurred within proximity to the Washington D.C. facility, which is in District 2 at 1834 Connecticut Avenue, please refer to the District of Columbia Metropolitan Police Department web page for crime statistics located at:
http://crimemap.dc.gov/CrimeMapSearch.aspx

West Campus
The Phoenix Police and Glendale Police Departments provided a statistical breakdown of criminal incidents on public property adjacent to the campus. For additional information regarding the type or frequency of crimes, if any, that occurred within close proximity to the ASU West campus, please refer to both:

The City of Glendale Police Department web page for crime statistics located at:
http://www.city-data.com/crime/crime-Glendale-Arizona.html

The City of Phoenix Police Department web page for crime statistics located at:
http://www.raidsonline.com/

Polytechnic Campus
Chandler-Gilbert Community College utilizes property on the ASU campus and those crime statistics are captured within the public property section of this report. Mesa Police Department and the Gilbert Police Department provided statistical breakdowns appropriate for Clery Act reporting. For additional information regarding the type or frequency of crimes, if any, that occurred within proximity to the ASU Polytechnic campus, please refer to **https://www.crimereports.com/** and enter "ASU Polytechnic Campus" in the search bar.

Downtown Phoenix Campus
The Phoenix Police Department provided a statistical breakdown of criminal incidents. These statistics were gathered using the physical address for the various campus buildings. For additional information regarding the type or frequency of crimes, if any, that occurred within close proximity to the ASU Downtown campus, please refer to the City of Phoenix Police Department web page for crime statistics located at: **http://www.raidsonline.com**/

ASU Colleges at Lake Havasu City
The Lake Havasu City Police Department provided crime statistics using the physical address for the various campus buildings. For additional information regarding the type or frequency of crimes, if any, that occurred within close proximity to ASU Colleges at Lake Havasu City, please refer to the Lake Havasu City Police Department crime statistics located at: **https://www.crimereports.com/**

Eastern Arizona College
Eastern Arizona College is located at 715 N. Stadium Ave., Thatcher, Arizona. ASU students began attending diploma programs at this college in August 2014. The local police jurisdiction could not provide a statistical breakdown for the limited time period ASU students were present on this campus. However, the 2014 Eastern Arizona College Annual Security Report, which contains crime statistics, can be reviewed at: **https://www.eac.edu/About_EAC/Consumer_Information/report.pdf**

Statistical Overview

The crime statistics in this report have been compiled in accordance with definitions taken from the Federal Bureau of Investigation (FBI) *Uniform Crime Reporting Handbook (UCR)*, as required by Clery Act regulations and modified by the Hate Crime Statistics Act and Campus SaVE.

The data relates to all reported crimes occurring on any ASU campus including residence halls, any non-campus building or property owned by the university, or any public property within any campus or immediately adjacent to any campus. Also included are crimes reported to ASU Police by its own officers, the local law enforcement agencies having primary jurisdiction, and other university personnel who have significant responsibility for student and campus activities.

Crimes which have not been reported to the aforementioned agencies are not reflected in these tables. For this reason, everyone is urged to report all crimes to ASU Police or the law enforcement agency where the crime occurred.

The statistics for drug, liquor law, and weapons violations relate to actual criminal offenses occurring on campus property.

If rape, fondling, incest, or statutory rape occurs in the same incident as a murder ASU will record both the sex offense and the murder in its statistics.

Incidents and arrests occurring in Residential facilities are duplicated in the On Campus totals and are not in addition to them.

For stalking, ASU records a crime statistic for each and every year in which the course of conduct is reported to a local policy agency or a campus security authority. ASU also records each report of stalking as occurring only at the first location within ASU's Clery geography in which a perpetrator engaged in the stalking course of conduct or a victim first became aware of stalking.

ASU currently has a variety of policies and procedures relating to campus security, and it expressly reserves the right to modify them or to adopt additional policies or procedures at any time without notice.

Information on the definitions of crimes and/or the campus property referenced in the statistics may be obtained from ASU Police or from the ASU Office of General Counsel.

Violations Referred for Disciplinary Action - are the result of alleged criminal offenses, which did not result in arrest, but were referred to other responsible university officials for administrative investigation and possible disciplinary action.

Unfounded Crimes

Pursuant to the Violence Against Women Reauthorization Act regulations, an institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

UNFOUNDED REPORTS	YEAR	CAMPUS	NOTES
Motor Vehicle Theft	2014	Tempe	Unknowingly borrowed by a friend.
Motor Vehicle Theft	2014	Tempe	Owner misplaced/forgot where parked
Motor Vehicle Theft	2014	Tempe	Owner misplaced/forgot where parked
Motor Vehicle Theft	2014	Tempe	Owner misplaced/forgot where parked

TEMPE CAMPUS STATISTICS

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Sex Offenses – Forcible (Rape and Fondling in 2012 and 2013; Divided in 2014)	2012	15	12	0	0
	2013	9	6	0	0
	2014	Stats for this category are split effective for 2014 into Rape and Fondling.			
Rape	2012	Stats for these years are combined with Fondling into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**7**	**7**	**1**	**0**
Fondling	2012	Stats for these years are combined with Rape into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**9**	**6**	**0**	**0**
Incest	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Statutory Rape	2012	1	1	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Domestic Violence	2012	NA	NA	NA	NA
	2013	2	2	0	0
	2014	**1**	**0**	**0**	**0**
Dating Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**2**	**2**	**0**	**0**
Stalking	2012	NA	NA	NA	NA
	2013	2	0	0	0
	2014	**1**	**1**	**0**	**0**
Robbery	2012	10	7	0	0
	2013	4	0	0	1
	2014	**3**	**1**	**1**	**1**
Aggravated Assault	2012	10	3	0	0
	2013	13	3	0	5
	2014	**0**	**0**	**2**	**0**
Burglary	2012	98	66	3	0
	2013	71	34	4	0
	2014	**34**	**15**	**4**	**0**

TEMPE CAMPUS STATISTICS (Continued)

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Motor Vehicle Theft	2012	8	0	0	1
	2013	29	0	0	3
	2014	**11**	**0**	**1**	**0**
Arson	2012	0	0	0	0
	2013	1	0	0	0
	2014	**2**	**1**	**0**	**0**
Hate Crimes	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Arrests	2012	372	255	1	121
	2013	334	189	1	104
	2014	**438**	**201**	**1**	**83**
Liquor Law Violations Referred for Disciplinary Action	2012	884	863	0	0
	2013	1175	1165	0	0
	2014	**1044**	**1021**	**0**	**0**
Drug Law Arrests	2012	282	117	2	39
	2013	252	121	0	47
	2014	**234**	**138**	**3**	**30**
Drug Law Violations Referred for Disciplinary Action	2012	324	294	0	0
	2013	524	480	0	0
	2014	**558**	**529**	**0**	**0**
Weapon Law Arrests	2012	1	1	0	4
	2013	5	0	0	0
	2014	**0**	**0**	**0**	**3**
Weapon Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

WEST CAMPUS STATISTICS

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Sex Offenses – Forcible (Rape and Fondling in 2012 and 2013; Divided in 2014)	2012	0	0	0	0
	2013	1	1	0	0
	2014	Stats for this category are split effective for 2014 into Rape and Fondling.			
Rape	2012	Stats for these years are combined with Fondling into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**0**	**0**
Fondling	2012	Stats for these years are combined with Rape into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**0**	**0**
Incest	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Statutory Rape	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Domestic Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Dating Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**1**	**1**	**0**	**0**
Stalking	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Robbery	2012	1	0	0	0
	2013	0	0	0	0
	2014	**2**	**1**	**0**	**0**
Aggravated Assault	2012	1	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Burglary	2012	7	1	0	0
	2013	11	1	0	0
	2014	**3**	**1**	**0**	**0**

WEST CAMPUS STATISTICS (Continued)

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Motor Vehicle Theft	2012	2	0	0	0
	2013	2	0	0	0
	2014	**0**	**0**	**0**	**0**
Arson	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Hate Crimes	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Arrests	2012	15	15	0	0
	2013	8	8	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Violations Referred for Disciplinary Action	2012	39	39	0	0
	2013	30	27	0	0
	2014	**14**	**12**	**0**	**0**
Drug Law Arrests	2012	2	2	0	1
	2013	1	1	0	0
	2014	**4**	**3**	**0**	**0**
Drug Law Violations Referred for Disciplinary Action	2012	18	18	0	0
	2013	23	22	0	0
	2014	**24**	**23**	**0**	**0**
Weapon Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Weapon Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

POLYTECHNIC CAMPUS STATISTICS

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Sex Offenses – Forcible (Rape and Fondling in 2012 and 2013; Divided in 2014)	2012	1	1	0	0
	2013	1	1	0	0
	2014	Stats for this category are split effective for 2014 into Rape and Fondling.			
Rape	2012	Stats for these years are combined with Fondling into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**2**	**2**	**0**	**0**
Fondling	2012	Stats for these years are combined with Rape into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**1**	**1**	**0**	**0**
Incest	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Statutory Rape	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Domestic Violence	2012	NA	NA	NA	NA
	2013	2	2	0	0
	2014	**1**	**1**	**0**	**0**
Dating Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**1**	**1**	**0**	**0**
Stalking	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Robbery	2012	0	0	0	0
	2013	0	0	0	0
	2014	**1**	**1**	**0**	**0**
Aggravated Assault	2012	3	3	0	0
	2013	0	0	0	0
	2014	**1**	**1**	**0**	**0**
Burglary	2012	10	3	0	0
	2013	11	9	0	0
	2014	**3**	**2**	**0**	**0**

POLYTECHNIC CAMPUS STATISTICS (Continued)

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Motor Vehicle Theft	2012	0	0	0	0
	2013	2	0	0	0
	2014	**4**	**0**	**0**	**0**
Arson	2012	0	0	0	0
	2013	1	0	0	0
	2014	**0**	**0**	**0**	**0**
Hate Crimes	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Arrests	2012	15	12	0	1
	2013	9	9	0	0
	2014	**9**	**8**	**0**	**2**
Liquor Law Violations Referred for Disciplinary Action	2012	29	29	0	0
	2013	37	37	0	0
	2014	**51**	**45**	**0**	**0**
Drug Law Arrests	2012	3	1	0	0
	2013	4	4	0	0
	2014	**9**	**6**	**0**	**0**
Drug Law Violations Referred for Disciplinary Action	2012	16	16	0	0
	2013	26	25	0	0
	2014	**51**	**49**	**0**	**0**
Weapon Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Weapon Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

DOWNTOWN PHOENIX CAMPUS STATISTICS

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Sex Offenses – Forcible (Rape and Fondling in 2012 and 2013; Divided in 2014)	2012	2	2	0	0
	2013	**1**	**1**	**0**	**0**
	2014	Stats for this category are split effective for 2014 into Rape and Fondling.			
Rape	2012	Stats for these years are combined with Fondling into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**0**	**0**
Fondling	2012	Stats for these years are combined with Rape into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**1**	**0**
Incest	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Statutory Rape	2012	0	0	0	0
	2013	1	1	0	0
	2014	**0**	**0**	**0**	**0**
Domestic Violence	2012	NA	NA	NA	NA
	2013	1	1	0	0
	2014	**0**	**0**	**0**	**0**
Dating Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**1**	**1**	**0**	**0**
Stalking	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Robbery	2012	0	0	0	0
	2013	1	1	0	0
	2014	**2**	**0**	**0**	**0**
Aggravated Assault	2012	2	0	1	0
	2013	0	0	0	0
	2014	**2**	**1**	**0**	**0**
Burglary	2012	5	1	0	0
	2013	8	1	0	0
	2014	**2**	**0**	**2**	**0**

DOWNTOWN PHOENIX CAMPUS STATISTICS (Continued)

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Motor Vehicle Theft	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Arson	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Hate Crimes	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Arrests	2012	4	3	0	1
	2013	10	8	0	0
	2014	**5**	**4**	**0**	**0**
Liquor Law Violations Referred for Disciplinary Action	2012	62	62	0	0
	2013	95	91	0	0
	2014	**115**	**115**	**0**	**0**
Drug Law Arrests	2012	9	7	0	0
	2013	17	11	0	0
	2014	**8**	**6**	**6**	**0**
Drug Law Violations Referred for Disciplinary Action	2012	15	15	0	0
	2013	42	42	0	0
	2014	**50**	**43**	**0**	**0**
Weapon Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Weapon Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

ASU COLLEGES AT LAKE HAVASU CITY CAMPUS STATISTICS

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Sex Offenses – Forcible (Rape and Fondling in 2012 and 2013; Divided in 2014)	2012	0	0	0	0
	2013	0	0	0	0
	2014	Stats for this category are split effective for 2014 into Rape and Fondling.			
Rape	2012	Stats for these years are combined with Fondling into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**0**	**0**
Fondling	2012	Stats for these years are combined with Rape into the above category of "Sex Offenses – Forcible"			
	2013				
	2014	**0**	**0**	**0**	**0**
Incest	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Statutory Rape	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Domestic Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**2**	**0**	**0**	**0**
Dating Violence	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Stalking	2012	NA	NA	NA	NA
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Robbery	2012	0	0	0	0
	2013	0	0	1	0
	2014	**0**	**0**	**0**	**0**
Aggravated Assault	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Burglary	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

ASU COLLEGES AT LAKE HAVASU CAMPUS STATISTICS (Continued)

Offense	*Year*	*On-Campus*	*On-Campus Residential*	*Non-Campus Property*	*Public Property*
Motor Vehicle Theft	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Arson	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Hate Crimes	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Arrests	2012	0	0	0	0
	2013	0	0	2	0
	2014	**0**	**0**	**0**	**0**
Liquor Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	1	0
	2014	**0**	**0**	**0**	**0**
Drug Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**3**	**0**
Drug Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Weapon Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**
Weapon Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	**0**	**0**	**0**	**0**

Statistical Considerations

ASU Colleges at Lake Havasu City housing was off campus until fall 2015. Statistics prior to that time are reported in the Non-Campus column.

Sexual violence has a profound impact on a victim's academic, social, and personal life, and negatively affects the experiences of their friends and families, other students, and the university community at large.

Arizona State University is committed to combatting this complex social problem and fostering a positive learning, working and living environment that promotes every individual's ability to participate fully in the ASU experience without fear of sexual violence or sexual harassment. Through university policies, awareness efforts, education and training programs, and advocacy, every member of the ASU community should be prepared to actively contribute to a culture of respect and to keep our community free from sexual violence, harassment, exploitation and intimidation.

Primary Prevention Program

The focus of this year's prevention and education efforts has been to enhance communication and awareness about support services and resources for victims of sexual misconduct, and increase bystander intervention efforts.

ASU's new students and employees are introduced to our primary prevention programs during orientations. These initiatives are designed to acquaint them with the concepts of identifying and responding to dating violence, domestic violence, sexual assault and stalking as well as the University resources here to support them.

In addition to orientation programs, another primary prevention initiative is the Community of Care program. This is a 20-minute online education program which educates students on the code of conduct, bystander intervention and community standards. The program highlights priority areas which include alcohol and marijuana use, sexual misconduct, academic integrity, and managing stress and the resources available for students who are struggling in any of these areas.

Ongoing Prevention Campaign

Consent and Respect was implemented in fall 2014 as an online education program. This program addresses dating and domestic violence, stalking and sexual assault as well as available resources, bystander intervention, mitigating risk and understanding consent. All students were asked to take Consent and Respect in fall 2014 and it is continuing to be used as part of the ASU 101 course for new students.

There were a wide variety of wellness education programs around sexual misconduct including both in person programs and marketing campaigns. On-going efforts included continued development and updating of the ASU specific Sexual Violence Prevention

website. In addition, to better serve our community ASU created and distributed the Sexual Assault and Misconduct Resource Guide which provides information on obtaining immediate medical assistance; psychological support resources; confidential reporting; anonymous reporting; Student Rights and Responsibilities Office investigation reporting guidelines; and investigatory components when reporting to law enforcement.

(N) to the right of the name of the program indicates new students / employees receive this training.

(C) to the right of the name of the program indicates it is part of ASU's ongoing campaign to prevent sexual violence.

Alcohol E-checkup To Go (C)	This online interactive web survey allows college and university students to enter information about their drinking patterns and receive feedback about their use of alcohol. The assessment takes about 6-7 minutes to complete, is self-guided and requires no face-to-face contact time with a counselor or administrator.
Alcohol-Wise (C)	Alcohol-Wise is an online course designed to engage college students in critical thinking about alcohol use, reduce risks associated with underage and high-risk drinking, and contribute to positive social norms. The course includes Alcohol E-Check Up to Go, developed by San Diego State University (also available on our website). Prevention of sexual violence is addressed. The course takes approximately 90 minutes to complete, including Part 2, which is a follow-up section that is taken 30-days following completion of Part 1. This course is recommended for all new first year students attending ASU.
Arizona Public Service Orientation (N - employees)	Arizona state law requires that all university employees receive public service orientation. This training at ASU covers laws, policies and procedures relating to the proper conduct of business at the university. The training will include the following topics: bribery, conflicts of interest, contracting with the government, disclosure of confidential information, harassment/ discrimination and retaliation, violence in the workplace, the Jeanne Clery Act, nepotism, financial disclosure, gifts and extra compensation, incompatible employment, political activity, public access to records, open meeting laws, conduct after leaving one's position with the university and misuse of public resources for personal gain.

Bystander Intervention (C)	A bystander intervention program that educates students to be proactive in helping others. Teaching people about the determinants of prosocial behavior makes them more aware of why they sometimes don't help. As a result they are more likely to help in the future. The goals of are to raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems or concerns, and ensure the safety and well-being of self and others.
Bystander Tabling (C)	Information table staffed by Well Devil Ambassadors to raise awareness and interaction about how to be an active bystander.
Changemaker Fall Lecture featuring Jackson Katz: A Call to Action to End Sexual Violence (C)	Changemaker Central @ ASU, in partnership with GPSA, USG, I Always Get Consent, DPC Aware, Man Up and WOW Factor, invites you to attend an evening with internationally known expert Jackson Katz and his ground breaking work in the field of gender violence prevention education.
Clothesline Project (C)	The Clothesline Project provides a visual display of t-shirts that have been designed and submitted for display. Each t-shirt tells the story of a person's experience and/or sentiments about sexual violence, domestic violence, and abuse. The purpose is to both provide a medium by which victims and allies can tell their stories, and to raise awareness through a display of the t-shirts of the issues represented therein.
Consent 101 (N - students)	Many students are unaware of the risk for sexual violence among college students nationally and lack understanding of the relationship between alcohol and sexual violence. Consent 101 pairs Alcohol-Wise, an online alcohol education and sexual assault prevention class, with an interactive presentation that challenges participants to take action to prevent sexual violence from happening as an individual, as a friend, and as a community member. Discussion includes strategies to prevent sexual violence as well as what to do if they or a friend experience sexual violence.
Consent and Respect (N - students)	Consent and Respect is an online course designed to enhance awareness of sexual violence, its impact on college students, and the importance of consent and respect in sexual situations. This course provides strategies to prevent sexual violence as well as critical information on what to do if you or someone you know experiences sexual violence.

Consent Carnival (C)	Join the Well Devil Ambassadors, I Always Get Consent and Devils in the Bedroom for an evening of food, games and dialogue about consent, healthy relationships and bystander intervention. Win prizes such as ear buds, towels and t-shirts. Take the pledge to always get consent!
Consent Dinner (C)	I Always Get Consent presentation is delivered by students to their peers. Dinner is provided.
Consent Fair (C)	This activity includes information tables and activities by student organizations to promote consent and a community without sexual violence.
Dealing with Life: Relationships and Stress Talk (C)	An ASU Wellness facilitated discussion on two of the challenging aspects of campus life: relationships and stress. Discussion focused on building healthy relationships, how problem relationships contribute to stress, and how to manage stress.
Devils Fight Back (C)	Led by Tempe Undergraduate Student Government, Devils Fight Back is a week to educate students on the issues on college campuses involving sexual violence and how to keep themselves safe. Events included a self-defense workshop, handprints to pledge non-violence and a presentation from Nick Lowry about changing campus culture.
DisOrientation (C)	In this module taught by staff of New Student Programs ASU students talk about dealing with real-life issues of campus life, newfound freedom and independence, living with roommates and preparing for college-level courses.
Gender Inclusivity and Asexuality and Sexual Violence (C)	ASU Wellness provided this training which prepares student leaders and staff to better understand how sexual violence impacts students of varying gender identities, to communicate with gender inclusive language and support the transgender and asexual student population appropriately when educating about sexual violence prevention, while better responding to and supporting this student population.
Hashing out the Gray and Healthy Relationships (C)	A peer to peer interactive event discussing the "gray" areas of relationships--- those areas where it is hard to determine whether the behavior within the relationship is okay or not. Is it okay if your partner reads the texts you send and receive? Is it okay if you lose touch with your friends because your partner prefers to have you all to his/herself. When are these “gray” areas signs of an unhealthy relationship? DPC aware hosted this activity, which focused on communication, respect, boundaries, and tools to be used to build healthy relationships.

Hazing Prevention Week (C)	The five governing councils, in partnership with the FSL staff, will be sponsoring National Hazing Prevention Week, to include workshops, trainings, and events centered on hazing prevention and bystander intervention.
I Always Get Consent (C)	This program discusses consent: What it is and how to discuss it in a sexual situation. Sexual violence and rape culture are discussed, as well as what students can do to reduce sexual violence.
I Always Get Consent Walk- Around Recruitment Event (C)	In collaboration with the I Always Get Consent student organization, the IFC recruitment event Walk-Around will host a table for sexual assault awareness.
IAGC Consensual Lemonade (C)	An awareness activity that provides information on consent and sexual violence.
IFC Bystander Trainings (C)	The Interfraternity Council (IFC) is sponsoring multiple bystander intervention trainings throughout the fall semester for fraternity men. Three educational sessions will be offered to include all chapter executive board officers and chapter members.
IFC Presents Man Up! (C)	Man Up ASU challenges men to take responsibility by: rejecting passivity, leading courageously, and initiating respect. ASU fraternity men joined the Respect Movement and took the pledge of respect to solve the problem of sexual assault.
Living Well at ASU (C)	This presentation addresses the three dimensions of wellness: Mind, Body and Community. Helpful tips are provided for managing stress; developing healthier sleep; eating; and physical activity practices. In addition wellness practices for social settings are discussed: sexual situations, consent and alcohol consumption. Students who participate also take the Personal Wellness Profile and are introduced to the model of setting SMART goals to improve their wellness practices.
Marijuana E-checkup To Go (C)	This online assessment and feedback tool is designed to reduce marijuana use among college students. The assessment takes about 10-15 minutes to complete, is self-guided and requires no face-to-face contact time with a counselor or administrator.

New Member Educators Trainings for FSL (C)	Chapters are required to send their new member educator to learn about appropriate new member education programs, risk management policies, general health and safety, hazing prevention, sexual assault prevention, bystander intervention, and community expectations. Taught by Fraternity and Sorority Life.
New Member Orientations (C)	Sessions hosted by all five council executive boards and FSL staff, new members from all organizations will gather to learn what it means to be Greek at ASU. The presentation includes topics such as academic resources, fraternity and sorority values, hazing prevention, alcohol and drug abuse, risk management, sexual assault prevention, bystander intervention and how to build relationships within the Greek community.
Panel Discussion: Sexual Violence Prevention and Response (C)	Representatives from Counseling, Housing, Health Services, Student Rights and Responsibilities, University Police, and Wellness will serve on this
PHA Bystander Trainings (C)	The Panhellenic Council (PHA) is sponsoring multiple bystander intervention training throughout the month of September for sorority women. Eight educational sessions will be offered in total which will include all chapter executive board officers attending a one hour training on how to appropriately respond and react to a woman in the chapter who may have been an victim of sexual assault. This training will be followed by a three hour training for the entire chapter with educational modules offered from Tempe PD and other University partners.
Rape Aggression Defense (C)	Rape Aggression Defense (RAD) is a program of realistic self-defense tactics and techniques for women. The RAD System is a comprehensive course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing on to the basics of hands-on defense training. RAD is not a Martial Arts program. Taught by ASU Police officers who have been certified as R.A.D. instructors.
Real Fraternity Men (C)	IFC is piloting a four-week program called Real Fraternity Men. Men from the IFC community will come together for one hour and participate in small group discussions to explore the topic of masculinity and what it means to be a true fraternity man.

Risk Management Trainings for FSL (C)	Multiple meetings, based on chapter affiliation to specific governing council (IFC, PHA, MGC, NALFO, NPHC) hosted by FSL staff. Chapters are required to send their president, risk manager, and social chair to learn about risk management policies, general health and safety, bystander intervention, sexual assault prevention, and community expectations.
Sex Jeopardy (C)	This is a fun and interactive in-person program that aims to educate students about sexual health in a judgment-free manner. Easy to facilitate, Sex Jeopardy covers a wide range of basic sexual health topics including proper barrier use, sexually transmitted infections, how to ask for consent and healthy communication practices. Presented by ASU Wellness.
Sexual and Relationship Violence Education (C)	This presentation is a section of the training provided for University Hearing Board members. Content includes an overview of Title IX and how it impacts the student judicial process; definitions of sexual misconduct and consent; prevalence of sexual and relationship violence among college students; description of common responses by victims; and challenges relevant to the role of hearing board members in examining these cases.
Sexual Assault Violence Prevention Initiatives Presentation for Panhellenic C)	Panhellenic Council educating sorority members about sexual violence, as well as changes to the university policy and the Student Code of Conduct.
Sexual Misconduct and the University: A Panel Discussion (C)	The Committee for Campus Inclusion and three student organizations (Man Up, Wow Factor, and I ALWAYS Get Consent) hosted a panel discussion on Sexual Misconduct and the University, an important discussion around the impact of sexual misconduct and current efforts to raise awareness and to address this issue on our campus.
Sexual Violence: Responding with Care and Concern (C)	This training aims to support those who are likely to be first responders to a disclosure of sexual violence. The purpose is to build skills and confidence to respond appropriately with care and concern for the victim/survivor.
Sexual Wellness Ambassadors Training (C)	Proudly presented by Devils in the Bedroom, Sexual Wellness Ambassador Training is designed to create a network of peer educators equipped with the skills and knowledge to promote healthy sexuality through changing attitudes and behaviors that perpetuate sexual violence. Hosted by peer educators, students who complete the day-long training receive a certificate

Social Excellence Training (C)	IFC is hosting social excellence training sponsored by PhiredUp! Productions. The program will teach fraternity men how to engage with one another and with women in a socially excellent manner.
Step Up (C)	Step UP! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. Teaching people about the determinants of prosocial behavior makes them more aware of why they sometimes don't help. As a result they are more likely to help in the future. The goals of Step UP! are to raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems or concerns, and ensure the safety and well-being of self and others.
T.C. Chillemi Dinner & Speaker (C)	A program that brings awareness to prescription drug use and the role fraternity brothers and sorority sisters have intervening when they are aware of a member that is using. Bob Chillemi, the father of the late T.C. Chillemi, speaks to the attendees about T.C.'s story and ASU Counseling follows the presentation with conversation and training about the resources available at the institution, as well as the importance of not being a bystander.
The Fraternity Institute on Ethical Leadership for FSL (C)	In partnership with the Williams Institute of Ethical Leadership, this weekend institute is for fraternity leaders to better understand ethical decision-making, ethical leadership, values congruence, and bystander intervention, in order to better promote a culture of integrity within the organizations.
Time to Go Out (C)	Time to Go Out!! pairs Alcohol-Wise, an online alcohol education and sexual assault prevention class, with an interactive presentation that challenges participants to examine how they and their peers respond in situations where alcohol is being consumed. Content includes the role of alcohol in consent, relationships and sex. The presentation emphasizes active bystander skill development and how to handle alcohol/drug medical emergencies.
Title IX and Your Duty to Report (N - employees)	***Title IX and Your Duty to Report*** is a 15-minute online training module that all faculty, staff and student workers must complete. It explains university policy and provides important ASU resources and contact information to report incidents of unwanted sexual conduct and other inappropriate behavior.

Wellness Fair (C)	This activity includes information on a variety of wellness topics designed to inform and enhance student well-being, including information about consent and respect.
WellFest (C)	An awareness activity that includes an interactive table to educate participants about consent and respect.
Workplace Behavior (N - employees)	All supervisors, staff and student workers must complete this class which is designed to increase awareness of ASU's policies regarding anti-harassment, non-discrimination and non-retaliation. During the training, you also will learn what constitutes appropriate behavior and how to properly report concerns regarding inappropriate behavior.

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5-308 Student Code of Conduct

A. Jurisdiction and Authority

1. Under Arizona law, the Arizona Board of Regents is responsible for the control and supervision of the state universities and their properties and activities. The Board is authorized to enact ordinances for the governance of the universities and the maintenance of public order upon all property under its jurisdiction. The Board has promulgated this Student Code of Conduct in order to meet its responsibilities under Arizona law. Enforcement of this Student Code of Conduct is subject to applicable law, including constitutional protections for speech, association and the press.

2. The Presidents are authorized to enforce the Student Code of Conduct.

3. Actions under the Student Code of Conduct are administrative and not criminal in nature. Therefore, a student can be found responsible under the Student Code of Conduct even if the underlying conduct would not also constitute a criminal offense, and even if a prosecutor has determined not to prosecute as a criminal matter or the student has been found not guilty in a criminal proceeding.

4. For purposes of interpreting words and phrases not otherwise defined in the Student Code of Conduct, every day and common usages and understanding shall apply, and external sources may be consulted for guidance.

5. Violators may be accountable to both civil and criminal authorities and to the university for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of university officials, disciplinary action at the university may proceed before, during, or after other proceedings. Sanctions may be imposed for acts of misconduct that occur on university property or at any university-sponsored activity. As further prescribed in these rules, off-campus conduct may also be subject to discipline. With respect to student organizations, and their members, university jurisdiction extends to premises used or controlled by the organizations on or off campus.

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B. Philosophy

1. The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change, and respect for the rights of all individuals. Self -discipline and a respect for the rights of others in the university community are necessary for the fulfillment of such goals. The Student Code of Conduct is designed to promote this environment at each of the state universities.

2. The Student Code of Conduct sets forth the standards of conduct expected of students who choose to join the university community.

3. Students who violate these standards will be subject to disciplinary sanctions in order to promote their own personal development, to protect the university community, and to maintain order and stability on campus.

C. Scope

1. The adoption of the Student Code of Conduct does not prohibit any university or the Board from adopting or maintaining additional rules to govern the conduct of students. Allegations of misconduct brought under the Student Code of Conduct may be combined with allegations arising under other university or Board rules.

2. Each university may adopt policies and procedures for reviewing allegations of academic dishonesty.

3. The Student Code of Conduct applies to individual students and to student organizations.

4. Students and student organizations are also subject to the following rules:

   a. Rules adopted by each university to govern the control of vehicles and other modes of transportation on university property

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b. Rules relating to student classroom conduct, academic dishonesty, and academic eligibility, performance and evaluation

c. Rules governing student housing

d. Rules governing the maintenance of public order

e. Rules governing the conduct of student athletes

f. Rules governing the use of university communication and computing resources, and

g. Such other rules as may be adopted by the Board, or the universities in furtherance of university and educational goals.

D. Student Organizations

1. Student organizations may be charged with violations of the Student Code of Conduct to the same extent as students.

2. Student organizations, as well as their members and other students, may also be held collectively and/or individually responsible for violations including but not limited to misconduct that occurs: (a) on university property; (b) on premises used or controlled by the organization; (c) at university-sponsored activities; or (d) in violation of university hazing policies.

3. The officers or leaders of a student organization may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization's officers or leaders or if those officers or leaders knew or should have known that such violations were being or would be committed.

4. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization and by the organization.

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E. Definitions

1. "Advisor" means an individual selected by the student to advise him/her. The advisor may be a faculty or staff member, student, attorney, or other representative of the student.

2. "Board" means the Arizona Board of Regents.

3. "Complainant" means any individual who initiates the referral procedures set forth in the student disciplinary procedures.

4. “Consent” in the context of sexual activity means informed and freely given words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

   Consent may not be inferred from: 1) silence, passivity or lack of resistance, 2) a current or previous dating or sexual relationship, 3) acceptance or provision of gifts, meals, drinks, or other items or 4) previous consent to sexual activity.

   Consent may be withdrawn during sexual activity. Consent to one form of consensual sexual activity does not imply consent to any other form of sexual activity.

   Consent may not be obtained through physical force, violence, duress, intimidation, coercion, or an express or implied threat of injury.

   Consent may never be given by a person who is: incapacitated (by drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically or mentally unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one’s responsibility to obtain consent and does not excuse conduct that violates this Student Code of Conduct.

   Consent cannot be given by someone who, by virtue of age, circumstances or other factors, is deemed by law to be incapable of giving consent.

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5. "Controlled substance" means a drug or substance whose use, possession, or distribution is controlled under state or federal law.

6. "Day" means university business day, not including Saturday, Sunday, any officially recognized university employee holiday, or any day the university is closed.

7. "Dean of Students" or "Dean" means the administrative officer responsible for administration of student conduct bearing this or similar title and includes his/her designee.

8. "Distribution" means sale, exchange, transfer, delivery, or gift.

9. "Endanger" means to bring into danger or peril.

10. “Explosive" refers to dynamite, nitroglycerin, black powder, or other explosive material or bomb including plastic explosives; any breakable container that contains a flammable liquid with a flash point of 150°F or less and has a wick or similar device capable of being ignited.

11. "Fabrication" means falsification or creation of false data or information.

12. “Fireworks” refers to any fireworks, fire crackers, sparklers, rockets, and any propellant-activated device whose intended purpose is primarily for illumination.

13. "Gambling" shall have the same meaning as defined by Arizona law.

14. "Hazing" means either (a) any intentional, knowing or reckless act committed by a student, whether individually, or in concert with other persons, against another person, in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with a university that contributes to a substantial risk of potential physical injury, mental harm or

degradation, or causes physical injury, mental harm or personal degradation; or (b) any act otherwise defined as hazing under applicable law. Hazing includes, but is not limited to, paddling in any form, physical or psychological shocks, late work sessions that interfere with scholastic activities, advocating or promoting alcohol or substance abuse, tests of endurance, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a foreseeable potential for resulting in personal injury, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.

15. "Illegal drug" means any drug whose manufacturing, use, possession, or distribution is prohibited or restricted by state or federal law.

16. "President" means the president of the university or his/her designee.

17. "Sexual misconduct" means one or more of the following:

    a. Sexual violence and other non-consensual sexual contact – actual or attempted physical sexual acts perpetrated against a person by force or without consent; or

    b. Sexual harassment – unwelcome conduct of a sexual nature that is sufficiently severe or pervasive as to create an intimidating, hostile, or offensive environment; or

    c. Other unwanted or non-consensual sexual conduct including but not limited to indecent exposure, sexual exploitation or voyeurism, or non-consensual photographing or audio- recording or video-recording of another in a state of full or partial undress or while engaged in sexual activity, or publishing or disseminating such materials.

17. "Stalking" means engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to suffer substantial emotional distress or to fear for the person's safety or the safety of that person's immediate family member or close acquaintance, and that person in fact fears for his/her safety or the safety of that person's immediate family member or close acquaintance.

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18. "Student" for purposes of this Student Code of Conduct means any person who is currently admitted or registered or who participates in a university function, such as orientation, in anticipation of enrollment, or who was enrolled in a previous term or who is or was registered for a future term, including a faculty member or other employee so admitted, registered, or enrolled.

19. "Student organization" means an organization or group which has been registered or has received recognition according to university policies and procedures or is affiliated with a university.

20. “Title IX” means Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.

21. “Title IX Coordinator” means the individual designated by each University to oversee compliance with the nondiscrimination and anti-harassment provisions of the Student Code of Conduct.

22. "University" means either the University of Arizona, Arizona State University, Northern Arizona University, or any other university campus or division governed by the Board.

23. "University community" means all university students, employees, and guests.

24. "University property" means all resources, including but not limited to real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board.

25. "University-sponsored activity" means any activity on or off campus authorized, supervised, or controlled by a university.

26. "Vice President for Student Affairs" means the administrative officer bearing such title, similar title, or his/her designee.

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27. "Weapon" refers to any object or substance designed to (or which could be reasonably expected to) inflict a wound, cause injury, incapacitate, or cause death, including, without limitation, all firearms (loaded and unloaded, simulated and real), devices designed to expel a projectile (such as bb guns, air guns, pellet guns, and potato guns), electronic control devices such as tasers or stun guns, swords, knives with blades of 5 inches or longer, martial arts weapons, bows and arrows, and chemicals such as mace, tear gas, or oleoresin capsicum, but excluding normally available over-the-counter self defense chemical repellents, chemical repellents.

F. Prohibited Conduct

1. All forms of student academic dishonesty, including but not limited to cheating, fabrication, facilitating academic dishonesty, and plagiarism.

2. Endangering, threatening, or causing physical harm to any member of the university community or to oneself, causing reasonable apprehension of such harm or engaging in conduct or communications that a reasonable person would interpret as a serious expression of intent to harm.

3. Violating the terms of any disciplinary sanction imposed for an earlier violation of the Student Code of Conduct or other Board or university rules.

4. Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.

5. Impersonation of another, using another person's identity, or furnishing materially false information, including manufacturing or possession of false identification.

6. Initiating, causing, or contributing to any false report, warning, or threat of fire, explosion, or other emergency.

7. Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.

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8. Forgery, falsification, fabrication, unauthorized alteration, or misuse of campus documents, records, or identification, including, but not limited to, electronic software and records.

9. Unauthorized presence in or unauthorized use of university property, resources, or facilities.

10. Unauthorized access to, disclosure of, or use of any university document, record, or identification, including but not limited to, electronic software, data, and records.

11. Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.

12. Misrepresenting oneself or an organization as an agent of a university.

13. Possession of property the student knows or has reason to believe may be stolen or misappropriated.

14. Misuse, theft, misappropriation, destruction, damage, or unauthorized use, access, or reproduction of property, data, records, equipment or services belonging to the university or belonging to another person or entity.

15. Violation of the Board or university rules or applicable laws governing alcohol, including consumption, distribution, unauthorized sale, or possession of alcoholic beverages.

16. Unauthorized use, sale, possession, or distribution of any controlled substance or illegal drug or possession of drug paraphernalia that would violate the law.

17. Off-campus conduct that a reasonable person would believe may present a risk or danger to the health, safety or security of the Board or university community or to the safety or security of the Board or university property.

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18. Gambling as prohibited by applicable law, university policy, or associated with any university event.

19. Engaging in, supporting, promoting, or sponsoring hazing or violating the Board or university rules governing hazing.

20. Stalking or engaging in repeated or significant behavior toward another individual, whether in person, in writing, or through electronic means, after having been asked to stop, or doing so to such a degree that a reasonable person, subject to such contact, would regard the contact as unwanted.

21. Engaging in discriminatory activities, including harassment and retaliation, as prohibited by applicable law or university policy.

22. Interfering with any university disciplinary process, including but not limited to tampering with physical evidence or inducing a witness to provide false information or to withhold information.

23. Sexual misconduct.

24.. Use, possession, display, or storage of any weapon, dangerous instrument, explosive material or device, fireworks, bomb-making materials or dangerous chemical on university property, at a university sponsored activity or in violation of law or university policy, is not permitted unless one of the following exceptions apply:

    a. Subject to A.R.S. §12-781 and other applicable law, a person may lawfully transport or lawfully store a firearm that is both 1) in the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle, and 2) not visible from the outside of the motor vehicle or motorcycle, although the board or a university may require that vehicles transporting or storing firearms be parked in alternative parking as described in A.R.S. §12-781, or

b. Use, possession, display or storage is specifically authorized by an Arizona or federal statute governing law enforcement officers or in writing by university officials with the authority to grant such permission, or

c. Universities may permit students to possess certain potentially dangerous instruments, and limited quantities of chemicals or other dangerous materials if they are used for academic and other legitimate purposes, if the presence of these items does not present an undue risk to the campus or community, and if the proposed use, possession, display or storage of these items has been expressly approved in writing by an authorized university representative.

25. Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security or surveillance filming or recording that is authorized by law enforcement or authorized university officials.

26. Commission of any offense prohibited by state or federal law or local ordinance.

Any attempt to commit or conceal an act of misconduct prohibited by these rules is subject to sanctions to the same extent as completed acts.

G. Sanctions

1. The Dean of Students may impose one or more of the following sanctions for any violation of the Student Code of Conduct:

a. Expulsion: Permanent separation of the student from the university. An indication of expulsion may appear on the student's transcript. The expelled student will not participate in

any university-sponsored activity and will be barred from university property. An expelled student will be ineligible to attend Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Board unless approved according to paragraph G.2(a) and (b).

b. Suspension: Temporary separation of the student from the university for a specified period of time, or until specific conditions, if imposed, have been met. An indication of suspension may appear on the student's transcript. Except where prior approval has been granted by the Dean of Students, a suspended student will not participate in any university-sponsored activity and will be barred from the university campus. A suspended student will be ineligible to attend Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Board until the conditions of suspension have been met.

c. Degree Revocation: A university may revoke a degree, certificate or other academic recognition previously awarded by that university to a student. Notice of any degree revocation will appear on the student's transcript. If the university previously communicated the award of a degree, certificate or other academic recognition to a third party, it may provide notice to that entity of the revocation.

d. Probation: Removal of the student from good disciplinary standing. Additional restrictions or conditions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of these rules, the conditions of probation, or other university rules committed during the probationary period will subject the student to further discipline, including suspension or expulsion.

e. Warning: A written statement advising the student that a violation of the Student Code of Conduct has been committed and that further misconduct may result in more severe disciplinary action.

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f. Administrative Hold: A status documented in the registrar's official file which may preclude the student from registering, from receiving transcripts, or from graduating until clearance has been received from the Dean of Students in accordance with university rules.

g. Restricted Access to University Property: A student's access to university property, including but not limited to research, communication and computing resources, may be restricted for a specified period of time or until certain conditions are met.

h. Organizational Sanctions: Sanctions for organizational misconduct may include revocation of the use of university property or privileges for a period of time, revocation or denial of recognition or registration, or suspension of social or intramural activities or events, as well as other appropriate sanctions permitted under the Student Code of Conduct or other rules of the university.

i. Educational Response: The Dean of Students may require a student to complete an educational program at the student's expense, write a paper or letter of apology, engage in community service, or assign other educational responses to address the student's conduct.

j. Interim Action: The Dean of Students may impose restrictions on a student or suspend a student for an interim period prior to resolution of the disciplinary proceeding.

k. Academic Conduct: Each university may adopt procedures regarding student conduct that takes place while participating in academic activities. These procedures may outline sanctions including but not limited to lower-level warnings, administrative drop from a particular class, or other sanctions as appropriate.

l. Restitution: Payment to the university or to other persons, groups, or organizations for damage to property or costs incurred as a result of the violation of this Student Code of Conduct.

m. Notation on Transcript.

n. Other sanctions permissible under existing university rules.

2. A student who has been suspended or expelled from one university will be ineligible for admission, enrollment, re-enrollment or re-admission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Board except as follows:

a. Each university may adopt rules and procedures to consider a request for readmission from a student who has been previously suspended or expelled, which shall include criteria to be used in evaluating a request for readmission, and shall provide that a decision to readmit must be approved by the Vice President for Student Affairs at the admitting university.

b. Except as set forth in Section G.2.a, a student who has been suspended or expelled at one university will not be eligible for admission or re-enrollment at another university governed by the Board until the student has met the conditions for reinstatement at the university which imposed the suspension or expulsion. The conditions for reinstatement may be waived in whole or in part at the discretion of the Vice President for Student Affairs at the admitting university.

H. Determining What Sanction to Impose

1. Mitigating and aggravating factors may be considered. Factors to be considered in mitigation or aggravation include the individual's prior disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, the payment of restitution to the university or to any victims, or any other factors deemed appropriate under the circumstances, including but not limited to the individual’s participation in an approved counseling program.

Repeated violations of the Student Code of Conduct may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.

Policy Number: 5-308	Policy Name: Student Code of Conduct
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I. Enforcement

1. Student sanctions shall be enforced through use of disciplinary procedures adopted by each university that are consistent with Board Policies and applicable laws and regulations

2. Sanctions for organizational misconduct shall be enforced through the use of the disciplinary procedures adopted by each university, consistent with Board Policies and applicable laws and regulations

J. Miscellaneous provisions

1. The description of prohibited conduct shall be interpreted as broadly as consistent with applicable law.

2. The Presidents are authorized by the Board to take other actions or to adopt other rules to protect university property and the safety and well-being of members of the university community and the public.

Student Disciplinary Procedures

These grievance procedures govern *Student Code of Conduct* violations, except those involving academic integrity. "Sexual misconduct" includes the definition of ABOR policy 5-308 (E) (17) as well as any code violations related to domestic or dating violence.

The term "parties" refers to the Dean of Students and the student charged with misconduct. In sexual misconduct matters or matters involving violence, the person(s) against whom the alleged misconduct was committed also has the opportunity to participate as a party.

A. **Initiation of Investigation**
   1. The Dean of Students may initiate an investigation based on receipt of information from any source that a student may have violated the *Student Code of Conduct*.
   2. Where the alleged misconduct is related to discrimination or harassment, the Dean of Students will inform the Office of Equity and Inclusion, and in sexual misconduct cases, the Title IX Coordinator.
   3. The Dean of Students will provide the parties with written information on supportive services available at the university and in the community.

B. **Interim Action**
   1. The Dean of Students may restrict or suspend a student for an interim period appending a disciplinary proceeding if the Dean is aware of information that supports a misconduct allegation and believes that the student poses a threat of harm or substantial disruption.
   2. The decision to restrict or suspend a student for an interim period and the information upon which the information is based will be communicated in writing to all parties.
   3. A student who is restricted from campus or suspended for an interim period may request an opportunity to provide information to contest the restriction or interim suspension no later than five (5) business days following the effective date of the interim action. Based on information provided, the Dean of Students will determine whether the restriction or suspension should remain in place. The parties shall have an equal opportunity to provide information relevant to the restriction or interim suspension.
   4. The interim action will remain in effect until a final decision has been made on the pending charges or until the Dean of Students believes that the reasons for imposing the interim action no longer exist.
   5. The Dean of Students may impose other forms of interim action, such as immediate removal from university housing or exclusion from one or more classes or other specific locations.

C. **Investigation**

1. If the Dean of Students believes that there is a sufficient basis to believe that a violation of the *Student Code of Conduct* may have occurred the Dean will notify the student in writing of the alleged violation and initiate the investigative process.
2. Members of the university community will be expected to comply with any request or directive issued by the Dean of Students in connection with an inquiry or investigation.
3. All parties will be given timely notice of meetings taking place as well as access to information that will be used during the disciplinary meetings as permissible under the Family Educational Rights and Privacy Act (FERPA).
4. Before concluding the investigation, the Dean of Students will provide all parties the following:
    a. an explanation of the charges which have been made
    b. a summary of the information gathered
    c. a reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges, and
    d. An explanation of the applicable disciplinary procedures, including the parties' right to request a hearing before a University Hearing Board if suspension, expulsion, or degree revocation is imposed.
5. Before concluding the investigation, the Dean of Students will provide the parties with an opportunity to respond to all investigative materials.
6. Students may accept responsibility for *Student Code of Conduct* violations and waive their rights to procedures provided by this policy. A student who fails to attend the meeting with the Dean of Students will forfeit the right to respond to the alleged violation, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance. If the student fails to attend the meeting, the Dean may proceed as described in paragraph D of this subsection.

D. **Determination and Appeal**

1. The Dean of Students will determine whether it is more likely than not that a violation of the Student Code of Conduct has occurred and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the Dean will consider any mitigating or aggravating factors, including any prior violations of the *Student Code of Conduct*. In sexual misconduct cases, this determination shall be made within sixty (60) days. If a determination cannot be made within sixty (60) days the Dean shall document the reasons.
2. The Dean of Students will provide the parties a written decision within five (5) business days. When feasible, this information will also be communicated in a face-to-face meeting.
3. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This decision is final, unless a party requests a hearing to review a decision to suspend, expel, or revoke a degree. The effective date of a suspension (except for interim suspension) or expulsion may be no sooner than five (5) business days following the date of the notice.
4. If the sanction imposed includes either expulsion, suspension, or degree revocation, the student (and in sexual misconduct cases, the complainant) will be informed of the right to request a hearing before a University Hearing Board by filing a written request with the Dean of Students no later than five (5) business days following the date of the notice.
5. The filing of a timely written request for a hearing will suspend the imposition of the disciplinary sanction (except for interim suspension) pending the outcome of the hearing. A

student who requests a hearing of his/her sanction of suspension or expulsion will not be permitted to graduate until the hearing process has been concluded. If the sanction is degree revocation, the university may refuse to release an official transcript until the hearing process has been concluded. If there is no hearing request, then the Dean of Students' decision is final and effective immediately.

E. **Review by University Hearing Board**

1. Purpose of the Hearing Board
   The Hearing Board is the body that conducts hearings concerning suspensions, expulsions, and degree revocations. It is advisory and provides a recommendation to the Senior Vice President for Educational Outreach and Student Services who will make the final decision.
2. Composition of the Hearing Board
   a. The Hearing Board will be comprised of three members. One member must be a student and one of the other members will act as Hearing Board Chair.
   b. Each Hearing Board member shall at a minimum receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
3. Pre-Hearing Procedures
   a. The Hearing Board members will be notified in writing of their selection.
   b. The Hearing Board Chair will prepare and send a written notice of the hearing to the parties no less than twenty (20) days before the date set for the hearing. The notice will be directed to the student's ASU e-mail address. The notice will include:
      - (1) a statement of the date, time, location, and nature of the hearing, including a statement of the Hearing Board's jurisdiction
      - (2) a copy of the sanction letter containing references to the code violations and a short plain statement describing the misconduct
      - (3) notice of the right to be assisted by an advisor, who may be an attorney
      - (4) a copy of or link to the *Student Code of Conduct* and these "Student Disciplinary Procedures"
      - (5) a list of the names of all Hearing Board members, and the university address of the Chair
      - (6) in sexual misconduct cases, notice regarding the restrictions on evidence of past sexual history and notice that the parties may not directly question one another but must submit written requests to the Chair and
      - (7) the length of time set for the hearing and the time limitation for the presentation of evidence.
   c. If any of the parties cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, they must notify the Hearing Board Chair in writing who will determine whether to approve or deny the request to reschedule the hearing.
   d. No later than five (5) business days before the hearing, the parties shall exchange and provide a copy to the Hearing Board of the following:
      - (1) a list of the names of the witnesses who may be called to testify at the hearing
      - (2) a concise summary of the anticipated statements of each witness

- (3) copies of all documents to be presented at the hearing, and
- (4) if an advisor or attorney is being used, the name of the advisor or attorney. The university shall additionally provide the name and title of the university representative.

e. To object to a document, a party must submit a written objection to the Hearing Board Chair no later than one (1) business day before the hearing. After providing the other party an opportunity to respond, the Hearing Board Chair shall rule on any objections to submitted documents. Absent a timely objection, the documents received by the Hearing Board shall become part of the record and shall be considered.

f. A party may challenge the participation of any Hearing Board member on the grounds of personal bias by submitting a written statement to the Hearing Board Chair setting forth the basis for the challenge no later than five (5) business days before the hearing. The Chair will determine whether to sustain or deny the challenge. If a challenge is filed against the Chair, the Senior Vice President for Educational Outreach and Student Services will rule on the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the Hearing Board.

g. Members of the university community will be expected to comply with any request or directive issued by the Hearing Board Chair in connection with a disciplinary proceeding. Upon specific request, the Chair will send a communication to a member of the university community requesting his/her presence at the hearing and giving notice of the university's expectations.

h. The Hearing Board Chair may extend the times and deadlines required by these rules for good cause.

4. Conduct of the Hearing

a. In order to preserve the confidential nature of the disciplinary process and to protect the privacy interests of those involved, the hearing will be closed to the public. Appropriate university administrators or staff may attend the hearing.

b. The Hearing Board Chair will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although objections to the introduction of specific statements or documents may be considered by the Chair. Irrelevant, immaterial, privileged, or unduly repetitious information will be excluded.

c. The university representative will have the burden of proving that the student more likely than not violated the *Student Code of Conduct* and the reason for the sanction. If the student accepts responsibility for the violation charged, then the Hearing Board may focus the hearing on the appropriate sanction.

d. Information regarding prior misconduct may not be used as proof of a current violation, but may be admitted for other purposes, such as to show that the student had prior experience relevant to the charge or to show that the student had previously been informed that the conduct was not acceptable. The Hearing Board may also consider information regarding prior misconduct in determining an appropriate sanction.

e. A student who fails to appear or refuses to participate at the hearing will be deemed to have abandoned the request for an appeal, unless the studentcan demonstrate that an extraordinary circumstance prevented his/her appearance or participation.

f. Any party may be assisted throughout the proceeding by an advisor. If the student or complainant is represented by an attorney, the university representative may also be represented by an attorney. An advisor or attorney may present the case for the party or

may simply act as an advisor.

g. The hearing will be recorded manually or by a recording device and will be transcribed in whole or in part on request. The requestor will pay the cost of the transcript unless the Senior Vice President for Educational Outreach and Student Services waives the cost.
h. Except as otherwise permitted by the Hearing Board Chair, witnesses will be excluded from the hearing except during their own testimony.
However, a victim, as defined by applicable law and provided rights to attend such hearings by law, will be permitted to attend the hearing.
i. In sexual misconduct cases, the student and complainant may not directly question one another. The Hearing Board Chair shall provide procedures for the submission of written questions and the Chair will determine which questions will be permitted. The Chair shall read into the record any questions that are deemed inappropriate and the parties shall have an opportunity to respond on the record.
j. In sexual misconduct cases, evidence related to the complainant's sexual history will not be admitted.
k. The university shall proceed first at each stage of the presentation. The student appealing the decision shall go last.
    - (1) Each party may present an opening statement, which summarizes what information is expected to be presented.
    - (2) Each party will call witnesses to provide statements under oath.
    - (3) At the conclusion of each witness' statement, he or she may be questioned by the other party.
    - (4) The Hearing Board may ask further questions of each witness.
    - (5) Rebuttal witnesses may be called to refute statements made by any party.
    - (6) Each party may present a closing statement which summarizes the information that has been presented.

F. **Hearing Board Deliberations and Recommendation**

1. Following the presentation of information and closing statements, and before reaching their decision, the Hearing Board will discuss the information that has been presented and the reasonable inferences to be drawn from it. Only the Hearing Board and its legal advisor, if any, may be present during the deliberations.

2. Based solely upon the information presented, the Hearing Board will formulate a recommendation to the Senior Vice President for Educational Outreach and Student Services as to whether the student more likely than not violated the *Student Code of Conduct* and the appropriate sanction. Recommendations must be supported by a simple majority of the board.

3. The Hearing Board Chair will provide a written recommendation to the student, the Dean of Students, and the Senior Vice President for Educational Outreach and Student Services no later than three (3) business days following the conclusion of the hearing. The written recommendation will include findings of fact and a statement of the reasons for the recommendation, and will be signed by the Chair.

G. **Review and Decision by Senior Vice President for Educational Outreach and Student Services**

1. Following a review of the Hearing Board's recommendation, the Senior Vice President for Educational Outreach and Student Services will render a written decision which

affirms, denies, or accepts the Hearing Board's recommendation with modifications. The written decision shall be issued no later than twenty (20) business days following receipt of the Hearing Board's recommendation, except when it becomes necessary to conduct further investigation or to remand the matter to the Hearing Board. In those cases the written decision will be transmitted no later than twenty business days following completion of the investigation or the Hearing Board's subsequent recommendation.

2. If the Senior Vice President for Educational Outreach and Student Services does not accept the Hearing Board's recommendation, the Senior Vice President will explain any variance from the recommendation in the final decision.
3. Copies of the written decision will be promptly transmitted to the student and Dean of Students (and in sexual misconduct cases, the complainant and the Title IX Coordinator).
4. The decision of the Senior Vice President for Educational Outreach and Student Services is a final decision from the date it is issued, unless a timely written request for review or rehearing as described in paragraph H is received by the Senior Vice President.
5. The letter from the Senior Vice President will also provide notice to the parties of the right to seek judicial review pursuant to A.R.S. §12-904.

H. **Request for Review or Rehearing**

1. A party who is dissatisfied with the decision reached by the Senior Vice President for Educational Outreach and Student Services may request a review or rehearing by filing a written request with the Senior Vice President and sending a copy to all parties within fifteen (15) business days after the decision is issued. Any party may file a written response to the request within five (5) business days of the request.
2. A review or rehearing is not an appeal; it is an opportunity to make the decision- maker aware of irregularities or illegalities in the proceedings or of significant new evidence that could not have been provided to the Hearing Board for consideration before its decision. The request may only be based on one or more of the following grounds:
    a. irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the Hearing Board or by the Dean of Students, which has deprived the opportunity for a fair and impartial disciplinary process
    b. newly discovered material evidence which could not have been presented during the fact-finding or hearing process
    c. excessive severity of the sanction or
    d. the decision is not reasonably justified by the evidence or is contrary to law.
3. Following receipt of a request for review or rehearing, the Senior Vice President for Educational Outreach and Student Services will first determine whether the request sets forth a proper ground for review or rehearing and then will make whatever review is deemed necessary.
4. The Senior Vice President for Educational Outreach and Student Services will provide a written response to the request for review or rehearing within fifteen (15) business days of receipt of the request. The response shall be sent to the student and the Dean of Students. The Senior Vice President may uphold or modify the previous decision or grant a rehearing on the issues raised by the request. The decision of the Senior Vice President is final.

Appendix D

Academic Affairs Manual (ACD)

Effective: 7/1/1978 **Revised:** 3/1/2015

ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation

Purpose

To express the university's policy on discrimination, harassment, and retaliation

Sources

Arizona Board of Regents Policy Manual - 1 –119

Title VII of the Civil Right Act of 1964 (Pub.L. 88-352) as amended, 42 U.S.C. §2000e.

Title IX, U.S. Education Amendments Act of 1972 (Pub.L. 92-318), 20 U.S.C. §§ 1681-1688.

Department of Education Dear Colleague Letter dated April 4, 2011; Department of Education Questions and Answers on Title IX and Sexual Violence.

The Clery Act, 20 U.S.C. § 1092(f) as amended.

Arizona Revised Statutes

Applicability

All ASU employees, students, volunteers, contractors and agents; all ASU educational programs, activities, opportunities and benefits; all persons participating in or accessing ASU-sponsored programs and activities.

Policy

Arizona State University is committed to providing an environment free of discrimination, harassment, or retaliation for the entire university community, including all students, faculty members, staff employees, and guests. ASU expressly prohibits discrimination, harassment, and retaliation by employees, students, contractors, or agents of the university based on any protected status: race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and genetic information.

Inappropriate conduct need not rise to the level of a violation of federal or state law to constitute a violation of this policy and to warrant disciplinary action/sanctions.

All individuals identified in the Applicability section of this policy are responsible for participating in and assisting with creating and maintaining an environment at ASU free from all forms of prohibited discrimination, including harassment and retaliation. All individuals identified in the Applicability section of this policy are required to cooperate with any investigation of allegations of violations of this policy.

Providing false or misleading information or failure to cooperate may result in disciplinary action.

Required Reporting

Sexual Harassment

Unless a person is restricted by law from doing so, any employee who is informed of or has a reasonable basis to believe that sexual harassment has occurred, shall immediately report all information regarding the occurrence(s) to the appropriate university official as noted below:

- Office of Equity and Inclusion when there is a complaint or information involving an allegation against an employee
- Dean of Students Office when there is a complaint or information involving an allegation against a student

or

- Title IX Coordinator when one is unsure of where to report.

Failure to report and/or inaction may be cause for disciplinary action.

If an individual wishes to have a confidential conversation about an allegation of sexual harassment, that person can do so by seeking an appointment with a licensed counselor or health care professional. The university provides such services at the Health Services, Employee Assistance Office, or ASU Counseling Services located on each campus.

Additionally, any individual has the right to contact local law enforcement to file a criminal report.

Other Discrimination or Harassment

A supervisor, manager, or administrator who is informed of or has a reasonable basis to believe that violations of this policy, other than sexual harassment, have occurred shall promptly report it to the Office of Equity and Inclusion. Failure to report or supervisory inaction may be cause for disciplinary action.

Anonymity

If a person wishes to remain anonymous, that person can make a report to the ASU Hotline at 877/786–3385.

If a person requests anonymity after a report is filed, the Office of Equity and Inclusion/Title IX Coordinator will take into account the request, the due process rights of all parties involved, the severity of the alleged harassment, and the potential risk of a hostile environment for others in the community in order to determine whether the request can be honored. The requesting party will be advised of the determination.

Other Policy Violations

Because the university has a paramount interest in protecting the well being of its community and remedying discrimination, harassment, and retaliation, any other policy violation (e.g. alcohol or drug use on campus, or underage use) will be considered, if necessary, separately from the allegations of misconduct under this policy.

Procedures

The exclusive procedure and protocols for the investigation of any claims of violations of this policy by students are handled, consistent with this policy, in accordance with the Arizona Board of Regents (ABOR) *Student Code of Conduct* (SSM 104–01) and related procedures, which can be found on the Sexual Violence Awareness and Response, Policies and Procedures Web page. These procedures provide for prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence.

The exclusive procedures and protocols for the investigation of all claims of violations of this policy by employees are set forth in P20. These procedures provide for prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Unless specifically and explicitly excepted by ABOR policy, these procedures and protocols shall be the exclusive process for reviewing claims of violations of this policy. If a deviation from these procedures is determined to be necessary for a particular case, that deviation shall not invalidate the findings of any investigation.

Sanctions

The university will take interim measures, designed to support and protect individuals and the university community, at any time. Such interim measures might include: restrictions on contact, class or work schedule alterations, leaves of absence, increased safety measures, student housing changes, or course/class academic adjustments. If it is ultimately determined that this policy has been violated, then these measures may also become part of any permanent sanction/discipline against the violator.

If, by the preponderance of the evidence, a violation of this policy is found to have occurred by an employee or student, then disciplinary action(s) can be taken; such disciplinary action(s) may include termination for employees or suspension or expulsion for students. Violations of this policy by persons who are not employees or students of the university may be subject to appropriate sanctions as provided for under law or policy.

The filing of a complaint or charge by an individual with any outside agency, such as the Equal Employment Opportunity Commission or the Office of Civil Rights, will not affect any ASU investigation concerning the same or similar events.

Definitions

Discrimination

Discrimination is defined under applicable federal and state law. In general, unlawful discrimination means failing to treat people equally based, at least in part, on status that is protected under applicable law or policy. Protected status includes race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and genetic information.

Harassment

Harassment is a specific form of discrimination. It is unwelcome behavior, based on a protected status, which creates an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in university-sponsored programs or activities.

Sexual Harassment

Sexual harassment is harassment, whether between individuals of the same or different sex, which includes unwelcome behavior or conduct of a sexual nature (including unwelcome sexual activity) that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in university-sponsored programs or activities or the submission to or rejection of such behavior or conduct is a factor in decisions affecting that individual's education, employment, or participation in university-sponsored programs or activities. Sexual harassment is also unwelcome behavior or conduct of a sexual nature (including unwelcome sexual advances or activity), which creates

an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in university-sponsored programs or activities.

Sexual Violence, which includes attempted or actual physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol, due to an intellectual or other disability, or due to age is also a form of sexual harassment. This can include rape, sexual assault, sexual battery, sexual coercion, domestic and dating violence, and stalking.

Retaliation

Retaliation occurs when an adverse action (e.g., termination, denial of promotion, refusal to hire, unjustified discipline or evaluation, etc.) is taken against an individual for complying with this policy, opposing conduct reasonably believed to constitute a violation of this policy, filing a report under this policy, seeking an accommodation under this policy, or participating in any manner in an investigation or proceedings related to this policy.

Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

Report

Allegation(s) of a violation of this policy that is/are made to any manager, supervisor, administrator, or the Office of Equity and Inclusion or the Dean of Students, Office of Student Rights and Responsibilities.

Unwelcome Sexual Activity

Engaging in sexual activity with a person, whom you reasonably should know or do know, has not consented or is incapable of giving "consent."

- consent in the context of sexual activity means informed and freely given words or actions that indicate a willingness to participate in mutually agreed upon sexual activity
- consent may not be inferred from:
    1. silence, passivity or lack of resistance
    2. a current or previous dating or sexual relationship,
    3. acceptance or provision of gifts, meals, drinks, or other items

or

    4. previous consent to sexual activity
- consent may be withdrawn during sexual activity, consent to one form of consensual sexual activity does not imply consent to any other form of sexual activity

- consent must not be obtained through physical force, violence, duress, intimidation, coercion, or an express or implied threat of injury
- consent can never be given by a person who is incapacitated (by alcohol or other drugs), or who is unconscious, asleep, or otherwise physically or mentally unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that violates this policy

and

- consent cannot be given by someone who, by virtue of age, circumstances or other factors, is deemed by law to be incapable of giving consent.

Additional Information

For information on how to file a complaint with the office of Civil Rights, go to: http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Cross-References

For additional information, see:

1. ACD 402, "Romantic or Sexual Relationships Between Faculty Members and Students"

and

2. ACD 405, "Individuals with Disabilities."

For appropriate grievance procedures for students, see the *Student Services Manual*—SSM 104–01, "*Student Code of Conduct* and Student Disciplinary Procedures."

Prohibition Against Discrimination, Harassment, and Retaliation: Complaint and Investigation Procedure

Effective Date: July 1, 1978

Revised Date: May 29, 2015

All ASU campuses shall follow this process for the investigation and resolution of reports of violations of ASU's Prohibition Against Discrimination, Harassment, and Retaliation, ACD 401. The purpose of these procedures is (1) to provide all members of the ASU community with a process for making the University aware of potential violations of ACD 401; and (2) to provide assistance and guidance to the Title IX Coordinator and the ASU Office of Equity and Inclusion in carrying out its responsibilities in administering and enforcing Arizona Board of Regents and ASU policies. The University may, from time to time, amend these procedures as necessary.

I. Procedures

A. Reporting of Violations

1. Reports alleging sexual harassment by employees may be made to any employee within the university. All employees, unless precluded by law, are required to immediately disclose any allegation of sexual harassment to the ASU Office of Equity and Inclusion who will coordinate with the Title IX Coordinator. Reports alleging sexual harassment by students may be made to any employee within the university. All employees, unless precluded by law, are required to immediately disclose any allegation of sexual harassment by a student to the Office of Student Rights and Responsibility who will coordinate with the Title IX Coordinator.
2. The Title IX Coordinator shall make a determination on a request for confidentiality, pursuant to ACD 401, within 3 business days of the request.
3. All other reports of violations of ACD 401 may be made to any manager, supervisor, or other administrator. If the person to whom a violation of ACD 401 normally would be reported is the individual accused of any conduct prohibited under ACD 401, reports may be made to another manager, supervisor, or administrator or the Office of Equity and Inclusion. Managers, supervisors, and administrators shall promptly notify the Office of Equity and Inclusion when a report is received. If a student is alleged to have violated ACD 401, a report shall be promptly made to the Office of Student Rights and Responsibilities by the person to whom the report is made.
4. In consultation with the Office of Equity and Inclusion, a supervisor receiving a report of a violation of ACD 401 may take actions needed to establish that there is a reasonable basis to suspect that a violation has occurred in order to confirm the appropriateness of any preliminary evaluation or indicate the need for additional assistance. No department or individual shall enter into any kind of discussion regarding settlement without prior approval from the Office of General Counsel and the Executive Vice President, University Provost or the President.
5. All reports should be made as soon as possible after the alleged violation. Prompt reporting enables the University to investigate the facts, determine the issues and provide an appropriate remedy or action. The ability of the Office of Equity and Inclusion and Title IX Coordinator to investigate complaints could be impacted (e.g. availability of witnesses, preservation of evidence) if a complaint is not filed promptly.
6. Employee relations or collegiality issues shall be addressed through normal supervisory channels and applicable policies.

B. Making a Report

1. With the exception of a faculty member making a complaint of discrimination under the terms set forth in Section C below, a report of a potential violation of ACD 401 may be made verbally or in writing but the person to whom the report is made shall document it with as much information as possible. If the report is not made directly to the Office of Equity and Inclusion or the Title IX Coordinator, then the person to whom the report is made shall notify the Office of Equity and Inclusion or Title IX Coordinator of the report.
2. The University shall respond, to the extent possible, to reports of potential violations of ACD 401 made anonymously or by third parties not directly involved in the alleged violation. However, the response to such reports may be limited if information contained in the report cannot be verified. Anonymous or third-party reports of potential violations of ACD 401 may be addressed through an informal resolution process.
3. Reports of violations of ACD 401 are strongly encouraged to be in writing, setting forth as much information as possible, including:
   (A) The full name and contact information of the reporting or complaining party;
   (B) The name of the individual(s) alleged to have violated ACD 401; and
   (C) A clear and concise statement of the facts that constitute the alleged violation of ACD 401, including dates and sufficient information to identify any other individuals who may provide information during the course of an investigation.
4. If the Office of Equity and Inclusion determines that the report does not allege possible violations of ACD 401 or that the information provided indicates that further investigation would not result in a finding of a violation of ACD 401, the Office of Equity and Inclusion will, where appropriate, refer the matter to the appropriate unit or department to address any employee relations issues. If such a determination is made the Office of Equity and Inclusion shall notify the reporting individual of the referral and will facilitate contact with the appropriate university representative in the unit or department. Ordinarily, this initial review process will be concluded within 7 business days of the date the complaint was filed. If it is determined that possible violations of ACD 401 have been alleged or that the information provided by the reporting individual indicates that further investigation may result in a finding of violation of ACD 401 then the report will be accepted as a complaint. The Office of Equity and Inclusion and Title IX Coordinator will always consider a report of sexual harassment to be a complaint and initiate an investigation as specified in Section D.

C. Faculty Member Complaints of Discrimination

1. Unless the complaint involves sexual harassment, a faculty member who receives an adverse decision concerning his or her promotion, tenure, nonrenewal, suspension without pay or dismissal for just cause may file a written complaint alleging that the adverse decision was a discriminatory action. This complaint must be filed with the Office of the President within ten (10) days of the faculty member's "receipt of notice" (delivery of written notice of final adverse decision to the last known address by certified return receipt requested mail, deemed received if undeliverable) of the final adverse decision. A faculty member who wishes to report an alleged violation of ACD 401 with respect to any term or condition of employment, other than promotion, tenure, nonrenewal, suspension without pay or dismissal for just cause who does not timely file a complaint with the Office of the President, or who is making a complaint of sexual harassment, must use the procedures specified in Sections A, B, D, E and F herein.
2. Upon receipt of the written complaint of discrimination from the faculty member, the Office of the President will forward the complaint to the Office of Equity and Inclusion to initiate an investigation per the provisions of Section D below.
3. The faculty member and the academic administrator(s) who is alleged to have rendered the adverse employment action on a discriminatory basis will participate in the Informal Resolution Process described in Section E below as an alternate resolution process. This alternate

resolution process shall adhere to the timelines specified in ABOR 6-201.M.1.d. If the matter is not resolved through this alternate resolution process, the complaint will be transmitted to the Chair of the Committee on Academic Freedom and Tenure by the Office of Equity and Inclusion.

4. The faculty member's written complaint of discrimination will be heard by the Committee on Academic Freedom and Tenure in accordance with the hearing procedures specified in ABOR 6-201.M.2. if it is not resolved through the alternate resolution process The president will render a final decision pursuant to the provisions of ABOR 6-201.M.3 and 4.

D. Investigative Process

1. Investigations shall be conducted by the Title IX Coordinator, Office of Equity and Inclusion, or by a designee of the Chief Human Resources Officer as appropriate.
2. Notice of investigation will be provided to the parties. All parties will be given the opportunity to provide information and respond. Additional notice may be provided to individuals with a legitimate need to know, including appropriate administrators including Deans, Directors, Academic or Administrative Unit Heads or Vice Presidents, who may have an obligation to monitor the environment to ensure that retaliatory action does not occur during or after the investigative process.
3. In cases involving allegations of dating violence, domestic violence, sexual assault, or stalking, the parties will be given timely notice of meetings taking place as well as access to information that will be used during any hearings. Parties may be accompanied by an advisor of their choice to meetings. During the investigation process, the advisor can provide support, guidance, and advice but the advisor is not an active participant in the meeting. If the investigation results in disciplinary action for which there is a hearing process, the right to an advisor shall be as set forth in that hearing process.
4. An investigation may include, as needed, the gathering of information, including interviews with individuals who may have information concerning the allegations as set forth in the report and gathering and review of documents as appropriate. At any time during the investigation, the investigator or the Title IX Coordinator may recommend that interim protections or remedies be provided by appropriate University officials. Failure to comply with the terms of interim protections may be considered a separate violation of ACD 401. The investigation shall be completed as promptly as possible and in most cases, within 60 calendar days for complaints of sexual harassment and within 90 calendar days for all other complaints, of the date the investigation is initiated. If more than time is necessary to complete an investigation, then the investigator shall notify the relevant parties. In the event that there is a simultaneous criminal investigation, the investigator will coordinate with law enforcement and determine what, if any, delay is appropriate.

E. Informal Resolution

The Office of Equity and Inclusion will determine when informal resolution may be appropriate. The informal resolution process will not be used for complaints of sexual harassment.

Individuals making reports of violations of ACD 401 may wish to resolve the matter through an informal process or reach a resolution through alternatives to the investigative process. The goal of an informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Informal resolution is an option when the parties desire to resolve the situation cooperatively.

Means for informal resolution shall be flexible and encompass a full range of possible appropriate outcomes. Informal resolution includes options such as facilitating an agreement between the parties, separating the parties, referring the parties to counseling programs, imposing appropriate

remedial action as determined by the University, conducting targeted educational and training programs, and providing remedies for the individual harmed by the violation of ACD 401. Informal resolution efforts, including any mutually agreed upon outcome, shall be documented.

If a mutually acceptable solution cannot be reached through the informal resolution process, an investigation through the appropriate office will continue to proceed.

F. Reviews of Findings of Violations of ACD 401

1. Upon the completion of the investigation, the investigator shall prepare a written report, including a finding of whether or not a policy violation has occurred. A copy of the written report shall be provided to the University Provost or appropriate vice president or designee for acceptance, rejection or modification of the findings.
2. The University Provost or appropriate vice president or designee shall provide his/her determination to the reporting party, the party accused of violating the policy, the appropriate university administrator, the Office of Equity and Inclusion, and the Title IX Coordinator in cases involving claims of sex discrimination. The determination is final.
3. Disciplinary action will be issued under the applicable procedure for the employment classification of the employee who has been found to have violated ACD 401, i.e. for faculty, at ABOR 6-201.J. and L.; for administrators, at ABOR 6-101.H., for academic professional staff, at ABOR 6-302.G. and I., or ACD 508-03; university staff, at <A href="http://www.asu.edu/aad/manuals/spp/index.html">SPP 301, SPP, 801, SPP 808; and for classified staff, at SPP 809; and, at SPP 901.</A

II. Records Retention

The written report and referenced exhibits developed or created as a result of an investigation, shall be retained by the Office of Equity and Inclusion for the length of the employee's term of employment and for a period of 5 years from the time of separation of employment by the employee. All other related documents, materials and records shall be destroyed in accordance with the records retention policy.

Student records related to or arising out of an investigation by the Office of Student Rights and Responsibilities shall be retained in accordance with student records retention policies and procedures.

For more information, see ACD 401: "Prohibition Against Discrimination, Harassment, and Retaliation," ACD 402: "Romantic or Sexual Relationships between Faculty and Students,"and ACD 515: "Nepotism.

Staff Personnel Manual (SPP)

Effective: 7/1/2013 **Revised:** 3/1/2014

SPP 808: Performance Management for University Staff

Purpose

To provide information about performance development tools and performance review processes for university staff and non-faculty administrators

Sources

Arizona Board of Regents Policy Manual - 6–510
University policy

Applicability

University staff, non-faculty administrators, and their supervisors

Advisory Notice

This policy **does not require** management to utilize any particular tool, step, or series of steps in the performance management process.

Nothing stated in policy or verbally by any supervisor is intended to create an employment contract or to modify the at-will employment status.

Policy

ASU seeks to promote a culture where staff contributions are recognized and rewarded, staff development goals are articulated and supported, and effective supervisory coaching leads to a high performing workplace. ASU believes that such a workplace encourages employee engagement, improves service to students and faculty, and greatly aids in the recruitment and retention of the most talented employees.

Accountability and Scope

All ASU administrative and university staff and non-faculty administrators, especially those who lead others, are expected to be familiar with these performance management tools. Supervisors are accountable for understanding and implementing the university's performance management program.

Office of Human Resources (OHR) will maintain performance evaluation tools and provide training and consultation in support of the program.

Performance Development Tools

OHR recommends the following tools to assist employees in taking pride and ownership of their work experience consistent with ASU's policies, to remediate performance issues, and to address employee conduct.

All relevant facts, including prior performance history and length of service/experience to the university, should be considered when using these performance development tools. Notwithstanding the use or initiation of any performance development tools, ASU and/or the employee may decide to terminate the employment relationship at any time.

Annual Performance Review

All university staff and non-faculty administrators should receive an annual performance evaluation prepared by the immediate supervisor.

Performance evaluations serve as a constructive tool to identify and review performance against university-defined core expectations, as well as specific job responsibilities. In addition, performance evaluations may be tied to performance-based increases. For these reasons, OHR highly recommends that the annual performance evaluation be completed with care and include the following elements:

1. an evaluation of the employee's performance against the university core expectations as they relate to the job
2. a brief narrative summary of performance, accomplishments, and/or deficiencies in the evaluation period, focusing on the employee's specific job responsibilities
3. an overall rating based on a five-point rating scale:

    - Rating level 1—Fails to meet performance expectations
    - Rating level 2—Inconsistently fulfills performance expectations
    - Rating level 3—Performance expectations fulfilled
    - Rating level 4—Frequently exceeds performance expectations
    - Rating level 5—Consistently exceeds performance expectation

4. a brief summary of job-related goals for the upcoming evaluation period

    and

5. a brief summary of individual development opportunities for the upcoming evaluation period.

OHR maintains performance evaluation templates that include definitions of the university's core expectations for staff and management and the five-point rating scale.

Supervisors should be evaluated, in part, based on whether they have provided accurate and timely feedback to their direct reports. The use of timely annual performance evaluations is evidence of performance in that area.

Timeline

It is recommended that the performance evaluation be completed and administered by the end of the first quarter of the calendar year (March 31). Evaluations should be completed and administered no later than the end of the fiscal year (June 30).

Although formal evaluations occur once a year, supervisors should be holding informal discussion with their employees throughout the year, especially when performance improvement is needed.

Documentation

The original signed evaluation is forwarded to OHR for the employee's official personnel file with a copy given to the employee. A copy of the evaluation should also be maintained in the departmental personnel file.

Final performance ratings are to be entered into PeopleSoft by the department representative for all employees who receive a performance evaluation.

Review

An employee who disagrees with his or her performance evaluation may request, in writing, a review by the second-level supervisor (i.e., the immediate supervisor's supervisor) within three working days after the evaluation has been delivered.

The second-level supervisor will schedule a meeting to discuss the evaluation with the employee promptly, normally within five working days of receiving the request for review. The second-level supervisor will conduct additional inquiry including modifying the evaluation ratings and/or comments if considered appropriate. The second-level supervisor is responsible for communicating the decision, in writing, to the first-level supervisor and the employee.

The second-level supervisor's decision is final unless unlawful discrimination is alleged to have influenced the evaluation. If unlawful discrimination is alleged, the employee may file a complaint with the Office of Equity & Inclusion.

Additional Performance Improvement Tools

The following performance improvement tools may be used if, during the annual performance evaluation process, the employee receives a final rating of a 1 or 2 and/or any time during the year when an employee's performance or conduct falls below acceptable university or unit standards.

Coaching

When appropriate, an initial performance improvement action should be coaching. The discussion should be specific, honest, and respectful to ensure the employee clearly understands the established standards and expectations with respect to his or her performance or conduct.

A written record of the date and content of the coaching should be maintained in the appropriate files of the supervisor. A fully executed and signed annual performance evaluation can substitute

for or otherwise be considered as a written record of coaching, as long as the area of concern is properly documented in the evaluation.

Memo of Expectations

A written *Memo of Expectations* may be appropriate when coaching or the annual performance evaluation has not resulted in the needed improvement, or if a situation indicates a need for stronger action. The written *Memo of Expectations* should outline the performance or conduct issue(s) and state expectations needed to improve performance. The *Memo of Expectations* should be discussed with the employee.

OHR is available to assist department management with the *Memo of Expectations*. Copies of this memo should be maintained in the appropriate departmental file.

Staff Personnel Manual (SPP)

Effective: 7/1/1978 **Revised:** 7/1/2015

SPP 809: Discipline

Purpose

To provide regular classified (nonprobationary) employees the opportunity to improve job performance and comply with departmental and university policies and procedures

Source

University policy

Applicability

Regular classified employees (nonprobationary). **Note: This policy does not apply to university staff.**

Policy

Employees are expected to follow the instructions of their supervisors and to abide by the established policies and procedures in the department and the university. To enable them to do this, administrative officials must:

1. develop clear and reasonable departmental policies and procedures
2. instruct all employees about what is expected of them in observance of policies, procedures, and established standards of job performance
3. give regular constructive feedback to employees about how well they are following policies and procedures and meeting standards of job performance
4. investigate the circumstances of each apparent violation of policy or procedure or instance of unsatisfactory performance before taking any disciplinary action
5. ensure that prompt, consistent disciplinary action is administered by the employee's immediate supervisor after an investigation has occurred

   and

6. consult the Office of Human Resources (OHR) or department OHR representative for assistance.

Arizona certified police officers of the ASU Police Department (ASU PD) are also subject to the rules and regulations of the Arizona Peace Officers Standards and Training (AZ POST).

The university follows a progressive discipline policy in order to provide sufficient feedback, including written reprimands, if applicable, before a decision to terminate employment is made. The employee's supervisor is responsible for carrying out a progressive discipline policy. Exceptions to progressive discipline are:

1. failure to possess a valid and current driver's license if required as a job qualification and/or condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information
4. cases of grave offense

   and

5. discriminatory conduct, including harassment and retaliation, that has been substantiated by the Office of Equity & Inclusion, Office of Human Resources.

A grave offense includes actions or omissions that could result in injury or loss of life, limb, or property, or impairment of university operations, or acts of willful, malicious, or serious disregard of university policies or rules. A grave offense may result in immediate administrative leave with pay (SPP 704–06, "Administrative Leave of Absence"), a Second Written Reprimand, suspension without pay, demotion, or involuntary termination if authorized in advance by the associate vice president of OHR or designee.

The department administrator in consultation with the associate vice president of OHR or designee has authority to impose any of the following sanctions for failure to possess a valid and current driver's license if required as a job qualification or condition of employment:

1. involuntary termination
2. suspension without pay for a period not to exceed 30 days, during which time the employee shall obtain a valid and current driver's license or be involuntarily terminated at the end of the 30-day period

   or

3. re-assignment to other employment responsibilities, if available and appropriate for a maximum of 30 days, in which performance of the employee does not include driving or the need for a valid and current driver's license as a job qualification or condition of employment.

If involuntary termination, demotion, or suspension without pay is recommended, the employee has a right to present his or her facts to a hearing officer before the recommended disciplinary action takes effect.

Procedure

Progressive Disciplinary Steps

Step 1: First Written Reprimand

When an employee's performance, actions, or behaviors indicate a need for improvement, normally the supervisor should counsel the employee and may follow-up in writing with the employee. If the employee does not respond to the counseling approach, step one of progressive discipline is a First Written Reprimand. The first progressive discipline document must be a First Written Reprimand, except in cases of the following:

1. failure to possess a valid and current driver's license if required as a job qualification and/or condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information
4. cases of grave offense

   or

5. discriminatory conduct, including harassment or retaliation, that has been substantiated by the Office of Equity & Inclusion, Office of Human Resources.

The supervisor should hold a private discussion with the employee concerning the specific problem and the specific corrective action required of the employee. The discussion should be a positive, cooperative attempt at determining and overcoming the source of difficulty.

- The employee should be informed that the meeting and First Written Reprimand are the initial steps in progressive discipline.
- The supervisor must give a written summary, or letter, of the discussion to the employee.
- The First Written Reprimand is retained in both the departmental files as well as in the employee's official personnel file in OHR. The employee has the right to submit a rebuttal for both the department and official personnel files.

Step 2: Second Written Reprimand

Following a reasonable time for improvement, when the First Written Reprimand does not result in the employee's changed performance, actions, or behaviors, the next progressive discipline step is a Second Written Reprimand. Certain behaviors, including but not limited to leaving before the end of the assigned shift, continued absenteeism, insubordination, or physical or verbal abuse of others, must cease immediately. Repetition following the First Written Reprimand may result in an immediate Second Written Reprimand. A Second Written Reprimand also may be used as discipline for a grave offense.

- The Second Written Reprimand should clearly address performance problems, corrective action required, and the progressive discipline consequences of not correcting the problem, which may include termination, within a reasonable time. Both the supervisor and the employee should sign it.
- A copy of the Second Written Reprimand must be given to the employee and additional copies are retained in both the departmental files as well as in the employee's official personnel file in OHR. The employee has the right to submit a rebuttal for both the department and official personnel files.

Optional Step: Suspension without Pay

Suspension without pay may be imposed for serious infractions, or when previous disciplinary steps have not corrected the problem, as a consequence of the commission of a grave offense, or as a consequence of substantiated harassing, discriminatory, or retaliatory conduct. Exempt employees may not be suspended without pay except for violating a safety rule of major significance, which includes only the safety rules relating to the prevention of serious danger to facilities or other employees.

Suspension without pay may be authorized with prior approval of the associate vice president of OHR or OHR designee.

When it has been determined by the supervisor, with advance approval of the administrative official and the associate vice president of OHR or OHR designee, that a suspension without pay is appropriate, the associate vice president of OHR or OHR designee will schedule a pre-suspension hearing before the proposed suspension date. The supervisor will then notify the

employee in writing of the proposed suspension without pay and the right to a pre-suspension hearing.

A pre-suspension hearing will consist of only the employee, a department representative, and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-suspension hearing.

Note: An employee may waive the right to a pre-suspension hearing by so indicating on the pre-suspension hearing notification letter. Failure to appear at the pre-suspension hearing will also constitute a waiver of the right to a pre-suspension hearing. If this right is waived, the decision of the supervisor will take effect as stated.

An employee who is suspended without pay has a right to a grievance hearing under SPP 901, "Grievance Process."

Optional Step: Demotion

Demotion for cause is an optional progressive disciplinary action that results in a permanent change of the employee's assignment from a position in one classification to a position in another classification with a lower pay grade. The salary of a demoted employee may be reduced to a rate of pay within the lower pay grade. Demotion for cause without previous progressive disciplinary steps may be initiated if it is based on a grave offense.

Demotion may be used when an employee is unable to perform successfully in his or her current position, but may be capable of performing satisfactorily in another position. The administrative official is responsible for identifying an appropriate position within the work unit for the individual.

When it has been determined by the supervisor, with advance approval of the administrative official and review by the associate vice president of OHR or OHR designee, that a demotion is recommended, the supervisor will immediately notify the associate vice president of OHR or OHR designee so that a pre-demotion hearing can be scheduled before the proposed demotion date. The employee to be demoted has a right to a pre-demotion hearing.

A pre-demotion hearing will consist of only the employee, a department representative and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-demotion hearing.

Note: An employee may waive the right to a pre-demotion hearing by so indicating on the pre-demotion hearing notification letter. Failure to appear at the pre-demotion hearing will also

constitute a waiver of the right to a pre-demotion hearing. If this right is waived, the decision of the supervisor will take effect as stated.

The salary of an employee who has been demoted following a demotion hearing will be set at a rate of pay that is within the lower pay grade range. The new salary must be approved in writing by the associate vice president of OHR or OHR designee. An employee who is demoted has a right to a grievance hearing under SPP 901, "Grievance Process."

Step 3: Involuntary Termination

Involuntary termination may result for any of the following:

1. failure to possess a valid and current driver's license, if required as a job qualification and/or as a condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information
4. cases of grave offense
5. discriminatory conduct including harassment or retaliation that has been substantiated by the Office of Equity & Inclusion, Office of Human Resources

   or

6. failure of classified employees to respond to progressive discipline

The supervisor, after ensuring that all proper progressive discipline steps have been followed, and with the approval of the administrative official and the associate vice president of OHR or OHR designee, will schedule a pre-termination hearing before the proposed termination date.

The supervisor will then notify the employee in writing of the proposed involuntary termination, the effective date, whether the employee is to continue working or is relieved of duty immediately and placed on administrative leave with pay, and the right to a pre-termination hearing.

A pre-termination hearing will consist of only the employee, a department representative and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-termination hearing.

Note: An employee may waive the right to a pre-termination hearing by so indicating on the pre-termination hearing notification letter. Failure to appear at the pre-termination hearing will also constitute a waiver of the right to a hearing. If this right is waived, the decision of the supervisor will take effect as stated.

Under SPP 901, “Grievance Process,” an employee also has a right to a grievance hearing, which may occur after the effective date of termination.

Employees who are terminated for cause (or resign in lieu of termination) will not be considered eligible for rehire, absent an administrative determination by OHR in consultation with the terminating department.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
Policy Revision Dates: 9/12, 8/11, 4/09, 6/06, 8/05, 8/04, 8/03, 1/03, 8/97, 5/97, 2/97, 10/91, 10/86	Page 1

ARTICLE B. FACULTY

6-201 Conditions of Faculty Service

A. Preamble

The Arizona Board of Regents is entrusted by the people of the State of Arizona with the responsibility for developing and maintaining a system of higher education that provides an opportunity for education to all persons, explores and expands the frontiers of knowledge, and serves to improve the quality of life for the people of the state. In pursuit of these responsibilities, the Board is committed to the development and maintenance of an outstanding university system characterized by sound academic programs, distinguished faculty, institutional diversity, fully equipped facilities, and an open and stimulating environment for learning, teaching, research and service to the public.

It is the policy of the Board to provide access to the university system to all qualified persons in Arizona, to provide equal employment opportunities and due process for its employees, to promote freedom of inquiry, search and exposition of truth and to involve the faculty in the formulation of educational policy and the governance of the universities.

The Board recognizes that Arizona universities have long adhered to the honorable tradition of academic freedom in teaching, research and service and reaffirms that the process of faculty participation and consultation in matters of academic policy is a valuable tradition that must be preserved. The faculties of the respective universities have a correlative duty to share in the responsibilities and obligations of governance and administration.

To these ends, the Board of Regents establishes these Conditions of Faculty Service (6-201) for the Arizona universities.

B. Purpose

1. These Conditions of Faculty Service (6-201) constitute the conditions of employment as a faculty member. Every Notice of Appointment shall incorporate these conditions by reference and shall provide that acceptance of the appointment is recognition that these conditions govern the employment relationship.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
Policy Revision Dates: 9/12, 8/11, 4/09, 6/06, 8/05, 8/04, 8/03, 1/03, 8/97, 5/97, 2/97, 10/91, 10/86	Page 2

2. The Board of Regents is charged by law to exercise control and supervision of each university. Any authority delegated by the Board shall always be subject to the ultimate authority of the Board. The Board shall retain the right of periodic review and modification of all aspects of governance of the universities, and the right to enact such rules, regulations, policies and orders as it deems proper, subject to the rule making procedures set forth in the Board Policy Manual.

3. The Board and the universities may adopt additional rules to govern the employment relationship. Such rules may be modified in accordance with rule making procedures, where applicable, established by the Board and/or the individual universities, which include opportunities for appropriate involvement by representatives of each university's Faculty Senate.

C. Definitions

in this section, unless the context otherwise requires:

1. “Academic Year” means the period commencing and ending with each university’s academic calendar.

2. "Appointment" means employment for a period as specified in a Notice of Appointment. The term refers to both the initial appointments and all subsequent appointments, reappointments or renewals of appointments.

3. "Board" means the Arizona Board of Regents.

4. “Clinical Professor” means a non-tenured, non-tenure eligible faculty member who has established himself or herself by professional experience and expertise over a sustained period of time to be qualified to teach or manage practicum, internship, or practice components of degree programs but who may not have substantial academic experience. The primary responsibilities of this position are teaching or managing students in the practice requirements of their degree programs in a manner that advances the educational mission of the university in a significant or substantial way.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
Policy Revision Dates: 9/12, 8/11, 4/09, 6/06, 8/05, 8/04, 8/03, 1/03, 8/97, 5/97, 2/97, 10/91, 10/86	Page 3

5. "Committee on Academic Freedom and Tenure (CAFT)" means a committee selected by the faculty under procedures determined by each university. Responsibilities of the committee include, but are not limited to, the conduct of hearings in accordance with ABOR Policy 6-201L. and M. (Conditions of Faculty Service, Hearing Procedures for Faculty and Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom)).

6. "Day" means calendar day, except that where the last day of any specific time period falls on a Saturday, a Sunday or a university-recognized holiday, then the time period shall run until 5:00 p.m., of the next day which is not a Saturday, a Sunday or a university-recognized holiday.

7. "Discriminatory Action" means an employment action that constitutes discrimination on the basis of gender, race, color, national origin, religion, age, veteran status, sexual orientation or qualified handicapped status, or any other discrimination prohibited by State or Federal law.

8. "Faculty" means all faculty members at a university.

9. "Faculty member" means an employee of the Board whose Notice of Appointment is as lecturer, senior lecturer, principal lecturer, instructor, assistant professor, associate professor, professor, professor practice, research professor, clinical professor or Regents Professor or whose Notice of Appointment otherwise expressly designates a faculty position. Graduate students who serve as teaching or research assistants, associates or otherwise, are academic appointees as well as graduate students but are not faculty members.

10. “Fiscal Year” means a period of twelve (12) months commencing on July 1.

11. "Lecturer," "Senior Lecturer," or “Principal Lecturer” means a non-tenured faculty member whose primary responsibility is teaching undergraduate, graduate or clinical courses.

12. "Multiple-year Appointment" means an appointment to a faculty position as a lecturer/senior lecturer/principal lecturer, assistant/associate/full professor of practice, assistant/associate/full research professor or

assistant/associate/full clinical professor, as defined herein, for a period more than one academic or fiscal year but not more than three academic or fiscal years.

13. "Notice of Appointment" means the document by which an appointment is made to a faculty position, which is signed by the president of the university, or designee and which is more fully described in ABOR Policy 6-201D.6., (Conditions of Faculty Service, Appointment Procedures).

14. "President" or "University President" means the president of a university or the president's designated representative.

15. “Professor of Practice” is a non-tenured, non-tenure eligible faculty member who has established himself or herself by expertise, achievements and reputation over a sustained period of time to be a distinguished professional in an area of practice or discipline but who may not have substantial academic experience. The primary responsibilities of this position are teaching courses, including seminars and independent studies, to undergraduates and graduate students in a manner that advances the educational mission of the university in a significant or substantial way.

16. "Renewal" means the process by which an appointment is extended for an additional period.

17. “Research Professor” means a non-tenured, non-tenure eligible faculty member who has established himself or herself by expertise, achievements and reputation over a sustained period of time to be a distinguished scholar and a researcher but who may not have substantial academic experience. The primary responsibilities of this position are to engage in, be responsible for or oversee a significant area of research or scholarship in a manner that advances the mission of the university in a significant and substantial way.

18. "Rule" means a written statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure to be utilized in implementing law or policy.

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19. "Tenure" is the employment status awarded by a president to a faculty member who has demonstrated excellence in teaching, research, and service in accordance with criteria established by each university. The status of tenure creates a legitimate claim of entitlement to continued employment unless the tenured faculty member is dismissed or released in accordance with ABOR Policy 6-201H., J., or K., (Conditions of Faculty Service, Post-Tenure Review, Dismissal or Suspension, or Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes), of these conditions.

20. "Tenured" means having tenure.

21. "Tenure-eligible" means having an opportunity to be reviewed for tenure.

22. "University" means the University of Arizona, Arizona State University, Northern Arizona University or any other university under the jurisdiction of the Board.

23. “Volunteer Faculty Members.”

    a. Those individuals who voluntarily provide substantial and significant services to a university as preceptors, teachers or researchers on whom a university wishes to confer a faculty title (through an approval process established by the university) to reflect the contributions these individuals make.

    b. Volunteer Faculty

        (1) Are not employees of the Board of Regents or a university,
        (2) Will have no expectation of future employment with the Board of Regents or a university,
        (3) Will not be entitled to any of the rights afforded other faculty members under either this chapter or relevant faculty handbooks applicable to university faculty members,
        (4) Will not be considered members of a university’s general faculty, and
        (5) Will receive no compensation for their services, nor be part of the faculty governance system except to the extent permitted by the bylaws of a particular college.

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(c) Volunteer faculty may be eligible for a change in title reflecting greater contributions they make to the university in accordance with university or college policies, but are not tenure-eligible or eligible for any other tenure-eligible or tenured faculty benefits such as sabbaticals.

(d) A volunteer faculty member's title may be withdrawn at any time by the President in his sole discretion without cause, notice or due process.

(e) Each university will determine what, if any non-salary, non-compensation amenities will accrue to its volunteer faculty and provide them documentation that contains the conditions of their volunteer service, including any amenities to which they may be entitled.

D. Appointment Procedures

1. Each university president shall establish written procedures through which faculty, heads of academic units, and deans shall have opportunity for effective participation in deliberations leading to recommendations for appointment of faculty members.

2. Faculty appointments made without Board approval.

a. A university president may appoint faculty members without Board approval provided that in each instance:

(1) The appointment is for an academic year beginning on or about August 15, a fiscal year beginning July 1, or a portion of such academic or fiscal year; or the appointment is for a multiple-year term as provided for in ABOR Policy 6-201D.4., and 5., (Conditions of Faculty Service, Appointment Procedures);

(2) The appointment is documented by a Notice of Appointment as required in ABOR Policy 6-201D.6 (Conditions of Faculty Service, Appointment Procedures), which is accepted in writing by the prospective faculty member as required in

ABOR Policy 6-201D.7 (Conditions of Faculty Service, Appointment Procedures);

(3) Any salary provided in connection with the appointment does not exceed the maximum salary level set by the Board; and

(4) Funds for such an appointment are available from an authorized source.

b. The appointment is effective on the date written acceptance of the Notice of Appointment is received by the university office designated to receive such acceptance unless a subsequent date is specified in the Notice of Appointment.

3. Faculty appointments made with Board approval

a. An appointment at a salary in excess of the maximum salary level shall be made only with the approval of the Board.

b. The appointment shall not be effective until a written acceptance of the Notice of Appointment is received by the university official designated to receive such acceptances and the appointment has been approved by the Board.

4. Lecturers, senior lecturers and principal lecturers may be offered one year or multiple year appointments. A multiple-year appointment may be renewed at the end of the appointment period for another multiple-year appointment or for a single year appointment. In accordance with procedures adopted by each university, review for renewal will be conducted during the year prior to the final year. There is no limit on the number of renewals. No multiple-year appointment shall become effective until approved by the university president.

5. Professors of practice, research professors, or clinical professors may be offered one-year or multiple-year appointments. Appointments may be at the rank of assistant, associate or (full) professor. In accordance with procedures adopted by each university, review for renewal of the appointment will be conducted during the year prior to the final year. There is no limit on the number of renewals. No multiple-year

appointment shall become effective until approved by the university president.

6. The Notice of Appointment constitutes the employment contract of the person named in the notice when accepted in writing by the person so named. All notices of appointment shall at a minimum:

   a. Be in writing and signed by the president or designee;

   b. State the name of the faculty member and the period of the appointment and the salary, if any, to be paid;

   c. State the type of faculty appointment and indicate whether the appointment is "with tenure" or is "tenure-eligible" or "non tenure-eligible";

   d. Where appropriate for non tenure-eligible faculty, the Notice of Appointment or offer letter shall state that the appointment is dependent for continuation upon funding from a specific source other than state appropriations and that the appointment may terminate prior to the end of the designated contract period if funding is no longer available; and

   e. State that these conditions of faculty service are incorporated by reference, as are other applicable rules of the Board or university.

7. A faculty member shall accept his or her appointment by signing and returning the Notice of Appointment to the designated university official no later than: (1) fourteen (14) days following the date on which the notice was posted or personally delivered if the appointment is for a fiscal year; or (2) thirty (30) days following the date on which the notice was posted or personally delivered if the appointment is for an academic year. Signatures by those holding valid powers of attorney shall be accepted as those of faculty members. If a faculty member fails to return a signed Notice of Appointment within the required time frame, the appointment may be rescinded, except that for good cause demonstrated by the faculty member the president shall cancel the rescission. Disagreement with the terms of the appointment shall not be deemed good cause, but neither the offer of nor the signing of the Notice of Appointment shall constitute an

agreement as to demonstrated typographical or clerical errors contained in the notice, nor shall signing the Notice of Appointment waive the right of the faculty member to pursue a disagreement with respect to the offer for any other reason. Each faculty member shall be responsible for notifying the university of a mailing address where the Notice of Appointment is to be sent.

8. No oral or written communication made prior to or after the execution of a Notice of Appointment that is inconsistent or in conflict with the Conditions of Faculty Service (6-201) or other Board or university rules shall become a part of the conditions of employment.

9. Whether or not an annual salary adjustment has been included in the annual Notice of Appointment, acceptance of the Notice of Appointment shall not waive the faculty member's right to request a review of a salary adjustment in accordance with the university procedure for such a review.

10. Regardless of the terms of the notice of appointment, a faculty member may be placed on furlough under a furlough plan approved pursuant to Board policy 6-810.

E. Types of Faculty Appointments

1. Any person appointed as an Assistant Professor, Associate Professor or Professor is either tenured or tenure-eligible as designated by the Notice of Appointment, except as provided in ABOR Policy 6-201E.2. (Conditions of Faculty Service, Types of Faculty Appointments).

2. Any person appointed to a faculty position designated as "visiting," "adjunct," "research," "clinical", or such other title(s) as may be designated by each university, shall not be tenured or tenure eligible and shall have no expectation of continued employment beyond the end of the current appointment period.

3. Any person appointed as an instructor may or may not be tenure-eligible as designated by the Notice of Appointment.

4. Any person whose appointment is designated tenure-eligible shall have no legal right of continuity in his or her position beyond the current period of

appointment but will be reviewed for renewal or tenure in accordance with procedures adopted by each university.

5. A tenure-eligible faculty member who has worked beyond the second year and who receives an adverse renewal or tenure decision shall be given a terminal year appointment. University policies may provide for a shorter notice of non-renewal in the first or second years.

6. Any person appointed as a lecturer, senior lecturer, or principal lecturer shall have no expectation of continued employment beyond the end of the current appointment period, with the exception of those individuals who have previously attained tenure prior to the 1991-92 appointment period. Lecturers, senior lecturers and principal lecturers may receive a multiple-year appointment.

7. Any person appointed on a multiple-year appointment as a professor of practice, research professor, or clinical professor shall have no expectation of continued employment beyond the end of the current appointment period.

8. Any person appointed to a faculty position, except those faculty members who have attained tenure status, whose appointment is dependent for continuation upon funding from a specific source other than state appropriations, shall have no expectation of continued employment if such funding is no longer available.

9. A faculty member may hold a nonfaculty appointment concurrent with a faculty appointment. Only the faculty appointment shall be subject to the conditions of faculty service.

10. Except as otherwise provided in ABOR Policy 6-208 (Honored Faculty Positions), an honorary, courtesy or other non-earned faculty appointment is not an appointment to a tenure-eligible position. No compensation shall be provided in connection with such an appointment and such appointment may be terminated at any time at the discretion of the university president.

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11. At each university, the total number of multiple-year appointments as lecturers, senior lecturers, principal lecturer, professors of practice, research professors and clinical professors may not exceed fifteen percent (15%) of the number of tenure track faculty, both tenured and tenure eligible.

F. Faculty Compensation, Employment-Related Benefits and Board Policies

1. Maximum and minimum salary scales for Associate Professors, Assistant Professors, senior lecturers, lecturers, and instructors, and minimum salary scales for professors are set by the Board. The president shall approve individual salaries within those scales or as otherwise approved by the Board. Salary adjustments will depend upon available funding and are allocated by the president within the limitation of available funds and based on the provisions in ABOR Policy 6-211 (Evaluation of Faculty) and ABOR Policy 6-901 (Salary Increases).

2. Employment-related benefits are made available to faculty members as a matter of State law or Board policy and are subject to change by the Legislature or the Board.

3. Each university shall maintain a compilation of such employment-related benefits and policies and shall make good faith efforts to inform the faculty of their existence.

4. Policies governing outside activities and supplementary compensation are administered by each university.

G. Duties and Responsibilities

Duties of a faculty member shall consist of those responsibilities assigned by the president of the university or an appropriate administrator, such as a vice president, dean, director or department head/chair. Teaching assignments, schedules and other instructional responsibilities shall be carried out under the direction of the president. Duties and responsibilities shall be related to the expertise and competence of the faculty members and may include sponsored or unsponsored research projects, service activities, or administrative functions. Assigned duties may include assisting with efforts to achieve university or

departmental goals related to affirmative action, including participation in student recruitment and retention programs directed at economically disadvantaged, minority, and underrepresented student populations. Teaching (including advising), research, and service performance shall be subject to evaluation by the president and performance shall be considered in decisions relating to compensation, renewal, promotion, tenure or termination.

H. Post-Tenure Review

1. Elements of Post-Tenure Review Process

The purpose of the post-tenure review process is to provide accountability through emphasis on sustained high quality performance and opportunities for continued faculty development, and to provide additional accountability to the university community, to the public, and to the Board.

Each university shall design and implement a post-tenure review process for all tenured faculty members in accordance with Board approved guidelines ("Common Elements of the Post-Tenure Review Process). The post-tenure review process at each university shall include the following essential elements:

a. Annual performance evaluations for all tenured faculty members shall be conducted by unit heads and/or peer committees, appropriate administrators and incorporate student input.

b. A faculty member's performance shall be evaluated based upon written expectations agreed to between the faculty member and the unit head and by reference to performance standards developed by each academic unit.

c. A faculty member who is determined to be performing at an unsatisfactory level shall be required to participate in developing and implementing a plan designed to improve his or her performance; the plan shall include specific goals, timelines, and benchmarks that will be used to measure progress at periodic intervals.

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d. Failure to achieve the goals prescribed in the performance improvement plan in a timely manner shall result in a recommendation for dismissal.

e. A faculty member who is recommended for dismissal as a result of the post-tenure review process shall have an opportunity to challenge the recommendation as prescribed in ABOR Policy 6-201L., (Conditions of Faculty Service, Hearing Procedures for Faculty).

2. Accountability Mechanisms

The universities shall maintain detailed information on the results of the post-tenure process and results shall be presented to the Board upon request of either the President or Chair of the Board. The specific data to be included in these reports is prescribed in the Board approved guidelines described above.

I. Promotion, Tenure, and Renewal

1. Decisions relating to promotion, tenure, and renewal shall be made in accordance with university rules and procedures. These rules and procedures shall be developed in consultation with the faculty senate and approved by the president. The final decisions on promotion, tenure and renewal shall be made by the university president after considering all evaluations, recommendations and other evidence submitted. A tenured or tenure-eligible faculty member who receives an adverse decision on any of these matters is entitled upon request to a written summary of the reasons for the final decision from the president.

2. Lecturers, senior lecturers or principal lecturers may apply for tenure-eligible positions for which they are appropriately qualified and tenure-eligible faculty may apply for lecturer, senior lecturer or principal lecturer positions. In neither instance, however, would special priority be given in the selection process.

3. University rules and procedures applicable to tenure-eligible faculty members shall include (1) a maximum probationary period no longer than seven (7) years in full-time service at tenure-eligible rank, except in cases

of waiver by the president for an individual faculty member, or as provided by policies established by the university to extend the period for individual faculty members facing adverse circumstances; (2) a mandatory periodic review; and (3) provisions to cover situations in which the faculty member's assignment is changed. A tenure-eligible faculty member shall have no expectation of renewal for the maximum probationary period.

4.

a. Written criteria shall be developed at each university in consultation with elected faculty members of the faculty senate and approved by the university president to be applied to all decisions on promotion, tenure and renewal. These criteria shall include such considerations as teaching effectiveness (including quality of advising); quality of scholarly research, publication, or creative endeavors; and the quality of service rendered to the profession, the university, and to the community as it relates to the mission of the university. The primary criterion for the evaluation of lecturers, senior lecturers or principal lecturers shall be teaching effectiveness.

b. The contract of a tenure-eligible faculty member is renewed, and tenure and promotion are granted, on the basis of excellent performance and the promise of continued excellence. The denial of, tenure or renewal, however, need not be construed as due to failure or poor performance on the faculty member's part. Considerations such as the need for a different area of specialization or for new emphases; the lack of a continuing position; the need to shift a position or resources to another department; or the opportunity for an alternative program in teaching, research, or service may dictate that the individual not be renewed, granted tenure, or promoted.

5. Attainment of tenure can only occur through specific notification from the president and may not result from inaction or inadvertence. A faculty member who is granted tenure is entitled to said status at the commencement of the appointment period immediately following the decision.

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6. Renewal of a fixed-term appointment shall occur only with the approval of the president and may not result from inaction or inadvertence.

J. Dismissal or Suspension

1. Tenured Faculty Members

a. Tenured faculty members shall not be dismissed or suspended without pay except for just cause. Such dismissal or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in ABOR Policy 6-201L.3 and L.4 (Conditions of Faculty Service; Hearing Procedures for Faculty, Conciliation/Mediation and Hearing).

b. Just cause shall include, but not be limited to, demonstrated incompetence or dishonesty in professional activities related to teaching, research, publication, other creative endeavors, or service to the university community; unsatisfactory performance over a specified period of time and a failure to improve that performance to a satisfactory level after being provided a reasonable opportunity to do so by the university, as demonstrated through the board-approved post-tenure review process; substantial neglect of or refusal to carry out properly assigned duties; personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities; moral turpitude; misrepresentation in securing an appointment, promotion, or tenure at the university; or proven violation of Board or university rules and regulations (including the code of conduct or any other disciplinary rules), depending upon the gravity of the offense, its repetition, or its negative consequences upon others.

c. The inability to perform assigned duties due to physical or mental incapacity may be deemed just cause for dismissal or suspension without pay, but only in accordance with university policies governing leaves of absence without pay established pursuant to ABOR Policy 6-805 (Leave of Absence Without Pay).

2. Nontenured Faculty Members

   a. Nontenured faculty members may be dismissed or suspended without pay during an appointment period only after a finding of just cause as defined in ABOR Policy 6-201J.1, (Conditions of Faculty Service; Dismissal or Suspension, Tenured Faculty Members) Except that “unsatisfactory performance@ will be demonstrated through the review procedures for tenure-eligible and nontenure-eligible faculty duly adopted on each campus. Such dismissal or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in ABOR Policy 6-201L.3. and L.4. (Conditions of Faculty Service; Hearing Procedures for Faculty, Conciliation/Mediation, and Hearing).

   b. A university president may decide not to renew the appointment of any nontenured faculty member. The president shall make such decision after receiving recommendations from the appropriate department and college. A nontenured faculty member has no expectation of continued employment and shall not be entitled to a hearing following or prior to a decision of nonrenewal except as provided in ABOR Policy 6-201M.1., (Conditions of Faculty Service, Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom)). Upon request, a tenure-eligible faculty member whose appointment is not renewed shall be entitled to a statement of reasons in writing for that action from the president.

3. Leave with Pay

   a. A faculty member may be placed on leave with pay only if it is determined by the president that the faculty member's continued presence on the university campus is likely to constitute a substantial interference with the orderly functioning of the university or a department or unit thereof.

b. Except as provided in ABOR Policy 6-201J.3.c (Conditions of Faculty Service, Dismissal or Suspension, Leave with Pay), the decision to place a faculty member on leave with pay:

(1) May be made only after the faculty member has been provided an opportunity to respond to the allegations; and

(2) Shall be promptly communicated in writing to the faculty member.

c. In exceptional cases, when the president makes a written finding that release of information relating to the substance or source of the allegations may compromise the investigation of such allegations, the university may limit or deny the faculty member's opportunity to respond to the allegations for a period of time not to exceed fifteen (15) working days while the investigation proceeds.

d. The period of leave may extend no longer than the duration of an investigation to determine if there is just cause for dismissal or suspension without pay, except that if the investigation leads to a recommendation for dismissal or suspension without pay, then the period of leave may extend through the final resolution of the hearing procedures discussed in ABOR Policy 6-201L., (Conditions of Faculty Service, Hearing Procedures for Faculty)

e. Placement on leave with pay status shall not be considered a disciplinary sanction.

f. A faculty member who is placed on leave with pay shall continue to receive full salary and benefits during the term of the leave.

K. Release of Faculty for Reorganization Caused by Budgetary Reasons or Programmatic Changes

1. A release pursuant to this section is designated a "release for reorganization."

2. Release of tenured faculty members, or release of nontenured faculty members prior to the end of the appointment period, may occur upon

reorganization when determined to be necessary due to budgetary or programmatic considerations requiring program discontinuance, curtailment, modification or redirection.

3. When the reorganization proposed by the administration calls for the release of any tenured faculty member or nontenured faculty member before the end of an appointment term, the following procedures shall be observed:

   a. The president shall ask the faculty senate to designate a review committee composed of faculty and students to review and evaluate the proposed plan for reorganization. The committee's review shall include a public forum to provide an opportunity for all members of the university community to present their views on the impact of the proposed reorganization.

   b. Each faculty member whose position may be affected by the proposed reorganization shall be notified promptly in writing of the proposed action and shall be given an early opportunity to present his or her views in person to the review committee and to the responsible administrator. Any written statement submitted by the faculty member shall become part of the official record.

   c. The review committee shall provide the president with a written evaluation of the proposed reorganization no later than ninety (90) days following the president's request, unless the president specifically requests that the evaluation be provided in a shorter period. This evaluation shall include an assessment of the impact of the proposed reorganization upon students, faculty and staff, the university as a whole, related activities outside the university, and the interest of higher education within the state. The committee shall maintain a record of its proceedings, including all written documents and statements submitted to it.

   d. The president shall decide whether or not to recommend the reorganization following receipt of the review committee's evaluation. If the president rejects the committee's evaluation, the president shall furnish the committee a written statement of the reasons for doing so.

e. The president shall present his or her recommendation relating to the proposed reorganization to the Board for approval.

f. If the Board approves the reorganization, each faculty member whose position is to be eliminated shall receive written notice when the decision to eliminate his or her position is final.

4. Each university shall devote its best efforts to securing alternative appointments within the university for any faculty member who is released as a result of reorganization. Each university shall devote its best efforts and available resources to ensure that such faculty members are made aware of openings at other Arizona universities and opportunities for retraining or further professional growth.

5. In the event that the program element which has been terminated should be reinstituted within a period of three years, new positions requiring qualifications and duties reasonably comparable to those of the released tenured faculty member shall not be filled without first offering the appointment to the released tenured faculty member. The released tenured faculty member must be given a reasonable time, not to exceed thirty days, to accept or decline reappointment.

6. A tenured faculty member who is to be released, or a nontenured faculty member who is to be released during an appointment term, shall be entitled to a review of this decision by filing a written request with the president within fifteen days of receipt of notice of such release.

   The review shall be conducted according to the following procedures:

   a. The president shall ask the faculty senate to designate a review committee to review the decision to release.

   b. The review committee shall be convened no later than twenty days following the faculty member's request to determine whether the release is consistent with the objectives to be served by the reorganization.

c. The review committee shall take into consideration the basis for the university's decision to release and shall provide the opportunity for the faculty member to respond.

d. The review committee may consolidate proceedings in order to expedite its reviews, but shall review each decision to release on its own merits and render its recommendations accordingly.

e. The review committee shall forward its written recommendation to the president no later than forty-five days following receipt of the faculty member's request for review. If the decision to release is deemed to be reasonable, the committee shall recommend that the decision to release be upheld. If the decision to release is deemed not to be reasonable, the committee shall recommend that the decision to release be reversed. This review committee shall make no recommendation as to the reorganization.

f. The university president shall consider the committee's recommendation and render a final decision to uphold or reverse the decision to release no later than fifteen days from the receipt of the committee's recommendation.

7. A tenured faculty member who is released shall be given a terminal year appointment unless the Board's approval of the reorganization includes a specific determination that budgetary considerations do not permit such an appointment.

L. Hearing Procedures for Faculty

1. Statement of Principles

Investigations and hearings require the judicious consideration of facts, but they should neither partake of the form of courts of law nor be constrained by the limitations imposed upon such courts. They are academic hearings the purpose of which is to safeguard and protect not only the individual rights of the members affected but also the integrity of the university.

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2. General

   a. A faculty member recommended for suspension without pay or for dismissal shall be subject to the procedures set forth in ABOR Policy 6-201L. (Conditions of Faculty Service, Hearing Procedures for Faculty).

   b. The procedures in this subsection apply only to dismissal or suspension without pay proceedings. In particular, and without limitation, these procedures are not applicable to:

      (1) Decisions relating to promotions, sabbatical leaves or other leaves;

      (2) Decisions relating to renewal at the end of an appointment period of a nontenured faculty member;

      (3) Decisions relating to release from employment due to reorganization;

      (4) Decisions relating to evaluation of faculty under section 6-211 (Evaluation of Faculty); and

      (5) Suspension or dismissal from a concurrently held nonfaculty position.

3. Conciliation/Mediation

   a. If a faculty member is recommended for suspension without pay or for dismissal, the faculty member may appeal the recommendation by submitting written notice of appeal to the President no later than ten (10) days following the date on which the recommendation is posted. The president of the university shall refer such appeal to a conciliation committee within seven (7) days of receiving the notice. The conciliation committee consists of one or more full-time faculty who are elected by the academic senate or faculty as a whole. This committee shall attempt to arrive at a mutually agreed upon solution.

b. If conciliation fails or after 30 days following the date on which the appeal was referred, the president shall provide the faculty member with a written notice of dismissal or suspension. The President=s written notice of dismissal or suspension shall:

(1) Refer to the particular statutes, rules or policies, if any, involved.

(2) Contain a statement of the reasons for the recommendation in sufficient detail to enable the faculty member to prepare a defense.

c. As an alternative to meeting with the conciliation committee, a faculty member may agree to participate in a mediation process to be established by the university. In the case of mediation, the same deadlines for referral and termination of the procedure shall pertain as in the case of conciliation.

4. Hearing

a. The faculty member may appeal a notice of dismissal or suspension without pay by providing the president and the chair of the Committee on Academic Freedom and Tenure (CAFT) with a written detailed statement of the faculty member=s position within 10 days after receipt of the notice of dismissal or suspension. Failure to provide the written statement within the ten day period shall immediately terminate the procedure.

b. The faculty member shall further provide a copy of the notice of dismissal or suspension and the statement of position to the Chair of the CAFT. The Chair shall then fix a time for hearing, which hearing shall commence not less than 30, nor more than 45 days, after receipt by CAFT of the notice of dismissal or suspension and the written statement of position from the faculty member. The Chair shall serve upon the parties a written notice of hearing at least 20 days prior to the hearing. The Chair may shorten or

extend these time periods for good cause shown or upon consent of the parties except that the notice of hearing shall not be shorter than twenty (20) days without the consent of the parties.

c. The notice of hearing shall include:

(1) A statement of time, place and nature of the hearing.

(2) The names of the panel members.

(3) A statement that the hearing is held in accordance with ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty).

(4) A copy of the notice of dismissal or suspension attached and incorporated by reference.

d. At least 10 days before the hearing date each party shall provide to the hearing committee and the other party or parties a written list of the names and addresses of each witness the party intends to use at the hearing. No witnesses shall be used at the hearing other than those listed except for good cause shown or upon written agreement of the parties.

e. Failure of either party to appear at the scheduled hearing shall be treated as follows: In the case of the faculty member, failure to appear shall waive the faculty member=s right to appeal the decision. In the case of the university representative, failure to appear shall be treated as resolution of the grievance in favor of the grievant. Failure of either party to appear may be excused for good cause by the committee, in which case, the hearing may be rescheduled.

f. The record of the hearing shall include, to the extent such items are applicable, the following:

(1) All documents filed by the parties and all notices, orders, or other documents issued by or submitted to the Committee

on Academic Freedom and Tenure in connection with the proceeding.

(2) Testimony received and considered.

(3) Record of objections and offers of proof and rulings thereon, which may be contained in the transcript.

(4) Findings.

(5) The written recommendation reflecting the decision of the hearing committee.

g. Each party to the hearing shall be afforded an opportunity to respond and present evidence and argument on all issues involved. Each party shall have the right:

(1) At the party's own election and cost, to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party but shall not otherwise participate.

(2) To present witnesses and submit evidence, including documentary evidence.

(3) To question adverse witnesses.

h. The following shall be observed with respect to the hearing:

(1) The hearing, but not the deliberations of the committee, shall be recorded by a court reporter and shall be transcribed upon the request of any party at that party's own cost.

(2) The hearing may be conducted in an informal, collegial manner and without adherence to the rules of evidence required in judicial proceedings. The CAFT Committee shall exclude irrelevant, immaterial or unduly repetitious evidence.

(3) The Chair of the hearing committee shall have the authority to issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence, and shall have the power to administer oaths. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

(4) On application by a party, the Chair of the hearing committee, at his or her discretion, may permit a deposition to be taken, in the manner and upon the terms designated by the Chair, of a witness who cannot be subpoenaed or is unable to attend the hearing. Prehearing depositions and subpoenas for the production of documents may be ordered by the Chair, provided that the party seeking such discovery demonstrates that the party has reasonable need of the deposition testimony or the materials being sought and no other reasonable means of discovery are available.

(5) The Chair shall preside over and conduct the hearing and shall rule upon all matters of procedure including the admission of evidence. The Chair shall also exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Official notice of certain facts may be taken.

(7) At the conclusion of the submission of all evidence, the hearing committee shall permit each party or counsel to make an oral or written summation.

(8) The university bears the burden of proving the existence of just cause by a preponderance of the evidence.

(9) A committee legal advisor, selected by CAFT from a list of qualified attorneys provided by the university, shall sit in

attendance at the hearing and may be asked to comment on questions of procedure and admissibility of evidence and shall otherwise assist in the conduct of the hearing, but shall not vote. A person shall not serve as both a committee legal advisor and as an advisor or legal counsel in the proceedings for either of the parties. The legal advisor for the committee will be compensated by the university

i. The recommendation of the hearing committee shall be in writing; shall include findings of fact based exclusively on the evidence; and shall be presented to the university president within 30 days following the conclusion of the hearing except, upon good cause, the president may extend the recommendation date by an additional 30 days.

j. Upon receipt and review of the hearing committee recommendation, the university president shall approve, disapprove, or modify the committee recommendation or remand one or more issues for further consideration by the committee. The president shall issue a decision in writing, no later than 45 days following receipt of the committee recommendation and record that includes findings of fact and conclusions of law, separately stated. The president shall not be bound by the recommendations of the committee. Copies of the decision and the committee's recommendation shall be mailed to the parties, and members of CAFT. The president's decision shall include a statement that an appeal to the Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901 et. seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision sought to be reviewed is served upon the party affected.

k. The faculty member may request reconsideration of the president's decision by filing a written request setting forth a ground for reconsideration with specificity within fifteen (15) days of receipt of the decision. If no request for reconsideration is made, the president's decision is effective at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

1. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process;

2. Accident or surprise that could not have been prevented by ordinary prudence;

3. Newly discovered material evidence, which could not have been available for the presentation;

4. Excessive or insufficient result;

5. The decision is not justified by the evidence or is contrary to law.

l. If the faculty member requests reconsideration, the president shall issue a decision on reconsideration within twenty (20) days of receiving a request for reconsideration.

m. The president's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et. seq., if desired, must be filed within thirty-five (35) days from the date on which the decision on reconsideration is served on the party affected.

M. Procedure to Review Allegedly Discriminatory or Unconstitutional Action (Including Violations of Due Process or Academic Freedom).

1. A faculty member who receives an adverse decision concerning his/her promotion, tenure, nonrenewal or release from employment under ABOR Policy 6-201L (Conditions of Faculty Service, Hearing Procedures for Faculty) may file a written complaint alleging that the adverse decision was a discriminatory action, or was based on unconstitutional grounds (including violations of due process or academic freedom). This complaint must be filed with the office of the university president within 10 days of the faculty member's receipt of notice of the final adverse decision.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
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a. "Receipt of notice" means delivery of written notice of the final adverse decision to the faculty member's last known address by certified mail, return receipt requested. If undeliverable, the written notice is deemed to have been received by the faculty member if properly sent to the faculty member's last known address.

b. The faculty member shall have the right to a hearing before the Committee on Academic Freedom and Tenure (CAFT), or before such other appropriate committee as may be established by the university and the academic senate, but not both CAFT and such other appropriate committee; provided that the faculty member first exhausts any applicable alternate resolution procedures established by the university.

c. Where alternate resolution procedures are not established, the written complaint shall be transmitted to the Chair of the hearing committee within seven (7) days after receipt by the office of the university president. The hearing shall occur no earlier than thirty days nor later than forty-five days after the filing of the complaint, except that with consent of both the university and the complaining party, or upon majority vote of the hearing committee, the hearing may be advanced or delayed.

d. Where alternate resolution procedures are established by the university, those procedures will be initiated by the president within seven (7) days after receipt of the written complaint. The written complaint, if not resolved through use of the alternate procedures, shall be transmitted to the chair of the hearing committee within seven (7) days after completion of the alternate procedures or after thirty (30) days following the date on which the alternate procedures were initiated. The President may extend this deadline for up to thirty (30) days if the prospect for successful resolution is positive. The hearing shall occur no earlier than thirty (30) days nor later than forty-five (45) days after the written notice is received by the chair of the hearing committee, except that with consent of both the university and the complaining party, or upon majority vote of the hearing committee, the hearing may be advanced or delayed.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
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2. The burden of proving discriminatory action or unconstitutional grounds shall be on the faculty member. The hearing procedures developed by each university shall provide for the following:

   a. The right to an impartial hearing committee of not fewer than three committee members.

   b. The right of each party to obtain access to all relevant, non-privileged documents relating to the allegations which are subject to the other party's control and which do not violate the privacy rights of non-parties; all disagreements relating to the disclosure of documents shall be decided by the chair of the hearing committee.

   c. The authority of the chair to administer oaths and to issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

   d. The right of the university and the faculty member to present witnesses and evidence and to question witnesses.

   e At the party's own election and cost, the right of each party to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party, but shall not otherwise participate.

   f. The hearing shall be recorded by a court reporter. A transcript may be obtained by any party at that party's own cost.

   g. Written findings of fact.

   h. The right of the university, faculty member and committee members to a copy of the written recommendation of the committee;

   i. A closed hearing upon request of any party.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
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3. The recommendation of the committee shall be transmitted to the university president within thirty (30) days following the conclusion of the hearing except, upon good cause, the president may extend the recommendation date by an additional thirty (30) days. No later than forty-five (45) days following receipt of the committee recommendation the president shall render a final determination in writing as to whether the challenged decision shall be affirmed or modified. A copy of the determination shall be mailed to the parties and the committee members. The date of the mailing shall be the effective date of the decision.

   The president's decision shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within thirty-five (35) days from the date when a copy of the decision sought to be reviewed is served upon the party affected.

4. The faculty member may request reconsideration of the president's decision by filing a written request setting forth a ground for reconsideration with specificity within fifteen (15) days of receipt of the decision. If no request for reconsideration is made, the president's decision is effective on the 15th day after the date of the decision at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

   a. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process;

   b. Accident or surprise that could not have been prevented by ordinary prudence;

   c. Newly discovered material evidence, which could not have been available for the presentation;

   d. Excessive or insufficient results;

   e. The decision is not justified by the evidence or is contrary to law.

5. If the faculty member requests reconsideration, the president shall issue a decision on reconsideration within twenty (20) days of receiving a request for reconsideration.

6. The president's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et. seq., if desired, must be filed within thirty-five (35) days from the date on which a copy of the decision on reconsideration is served upon the party affected.

N. Faculty Grievance Procedure

In accordance with ABOR Policy 6-904 (Grievance), each university shall provide an established grievance procedure to resolve any work related concerns of a faculty member, including but not limited to any complaint alleging a violation of the conditions of faculty service or any other rules of the Board or university relating to faculty members. The grievance procedure shall authorize a faculty member to initiate a grievance by filing with the chair of the designated faculty committee a written statement that describes the specific action(s) being challenged and any Board or university rule that has allegedly been violated.

O. Revisions

1. A comprehensive review of these conditions shall be undertaken no less frequently than once every five years. This review shall be conducted by a working group that includes representatives of each faculty senate to ensure faculty input in all stages of the review process.

2. No modifications to these conditions may be considered by the Board prior to consultation with representatives of the faculty senates.

P. Implementation

The president of each university shall establish, in consultation with the faculty senate, such additional policies and procedures consistent with this policy as may be needed to carry out the Conditions of Faculty Service, and such policies shall be set forth in full and not by reference to any other document.

Policy Number: 6-201	Policy Name: Conditions of Faculty Service
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Q. Interpretation

These conditions of faculty service shall be governed and interpreted under the laws of Arizona.

R. Severability

If any section, paragraph, subdivision, clause, sentence or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portion of the policy. If any provision of this policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.

S. Acquired Tenure Status

This policy shall not divest a faculty member of tenure status acquired prior to its adoption.

Policy Number: 6-302	Policy Name: Conditions of Service for Academic Professionals
Policy Revision Dates: 12/2012, 4/90, 11/86, 12/83	Page 1

6-302 Conditions of Service for Academic Professionals

A. Appointment Procedures

1. The President shall establish procedures for securing recommendations for appointments to academic professional positions. An appointment may become effective as of the date it is approved by the President or the President's designee.

2. Academic professional employees may be offered an appointment for an academic year or for a fiscal year or a portion thereof, or may receive a multiple-year appointment which may be renewed at the end of the appointment period for another multiple-year appointment or for a one-year academic or fiscal year, or any portion thereof. In accordance with procedures adopted by each university or the system office, review for renewal will be conducted during the year prior to the final year. No multiple-year appointment shall become effective until approved by the university of Board President or the President's designee. There is no limit on the number of renewals. No oral or written communication made prior to or after the execution of a notice of appointment that is inconsistent or in conflict with the Conditions of this policy shall become a part of the conditions of employment.

3. The type of academic professional appointment involved shall be determined by the President or the President's designee and shall be indicated on the notice of appointment by use of the designation "probationary", "continuing", "year-to-year" or "multiple-year".

4. Appointments which are dependent for continuation of funding from a specific source other than state appropriations shall so state in the notice of appointment and may terminate when the funding is no longer available. Academic professional employees appointed to positions supported by non-state funds may be designated by contract as having other conditions relative to (a) 90 day notice of non-renewal of appointment and (b) fringe benefits.

BD. Types of Academic Professional Appointments

Policy Number: 6-302	Policy Name: Conditions of Service for Academic Professionals
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1. Year-to-Year

   Persons employed under a year-to-year appointment shall have no expectation of employment beyond the end of the current appointment period and are not subject to review for continuing status. There is no limit to the number of appointment periods to which a person employed under a year-to-year contract may be appointed. Such appointments may be for a period of less than one year.

   A person employed under a year-to-year appointment may be subsequently employed under a probationary appointment. In such event, the extent to which the person's prior service under year-to-year appointments is considered in any review for continuing status shall be determined by the university.

2. Probationary

   Persons employed under a probationary appointment shall have no expectation of employment beyond the end of the current appointment period, but shall be reviewed for continuing status in accordance with procedures outlined in this document. A person shall hold a probationary appointment for no more than 7 years, including any terminal appointment which a university may choose to provide.

   A person employed under a probationary appointment shall not be subsequently employed under a year-to-year appointment except as permitted under this Policy.

3. Continuing

   Persons employed under a continuing appointment shall have an expectation that the President will renew their appointment for successive appointment periods, except when such a recommendation is precluded by reason of retirement, resignation, release for budgetary reasons or reorganization, or dismissal for just cause.

4. Multiple-Year

   Persons employed under a multiple-year appointment shall have no expectation of employment beyond the end of the appointment period. Any renewal of a multiple-year appointment shall be in accordance with procedures adopted by each university.

5. Each university shall determine policies for part-time academic professional employees.

C. Compensation

1. The President may set individual salaries and allocate salary increases within limitations of available funding. Salary rates for reappointments will depend upon available funding.

2. Certain fringe benefits are made available to university employees and are subject to change by the Legislature, the Board, or the university.

3. Policies governing outside activities and supplementary compensation are administered by each university.

D. Employment-related Board Policies

1. All employees are bound by Board Policies, which are considered to be part of their conditions of employment, including specifically the Intellectual Property Policy. Changes to existing policies may be made by the Board and such changes will normally become effective at the beginning of the first appointment period following the period in which a change is adopted. Additional policies may be added to be effective as determined by the Board.

2. A President may adopt other employment related policies and procedures as the President determines necessary.

E. Duties and Responsibilities

1. Duties and responsibilities of an academic professional employee shall consist of those assigned by the President or the President's designee. All duties and responsibilities shall be carried out under the direction of the President or the President's designee. Duties and responsibilities shall be related to the expertise and competence of the academic professional employee.

2. Performance of assigned duties by academic professional employees shall be subject to evaluation by an appropriate administrator and performance shall be considered in decisions relating to compensation, retention, advancement/promotion, termination or a decision not to reappoint. A university may, through implementation of these Conditions of Service for Academic Professionals establish a university policy by which an administrator may be required to consult a peer group in evaluating certain academic professional employees.

F. Advancement/Promotion, Reappointment, Acquisition of Continuing Contract Status

1. Decisions relating to advancement/promotion, reappointment and acquisition of continuing status shall be made in accordance with university rules and procedures approved by the President. Decisions of the President regarding advancement/promotion, reappointment or acquisition of continuing status are final. An academic professional employee who does not acquire continuing status or whose probationary or year-to-year or multiple-year appointment is not renewed shall not be entitled to a statement of reasons for that action.

2. Academic professional employees on a year-to-year or multiple-year appointment shall be given at least a 90 day notification of non-renewal prior to the end of the appointment period. Failure to provide an academic professional employee with a 90 day notification of non-renewal shall not constitute an automatic renewal of appointment. If notice of non-renewal is given less than 90 days prior to the end of an academic professional employee's appointment period, the employee shall be entitled to continuation of salary for 90 days from the date of notification.

3. University rules and procedures applicable to academic professional employees holding probationary appointments shall include maximum probationary periods, mandatory periodic review, and at least 90 day notice of non-reappointment.

   a. Decisions on advancement, continuing status and reappointment shall be based upon written criteria developed at each university with participation of appropriate academic professional employees and approved by the President.

   b. A person is advanced, granted continuing status or reappointed on the basis of excellent performance and the promise of continued excellence. The denial of advancement, continuing status or reappointment, however, need not be construed as due to failure or poor performance on the candidate's part. Considerations such as the need for a different area of specialization or for new emphases, the lack of a continuing position, or the need to shift a position or resources to another department may dictate that the individual not be reappointed or granted continuing status.

   c. Attainment of continuing status shall not result from inaction or inadvertence.

4. Regardless of the terms of the notice of appointment, an academic professional employee may be placed on furlough under a furlough plan approved pursuant to ABOR Policy 6-810.

G. Termination

1. Methods of Termination

   The employment of an academic professional employee may terminate through resignation, retirement, release due to financial emergency or due to reorganization, non-renewal of probationary or year-to-year or multiple-year appointment, or dismissal for just cause.

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2. Dismissal

a. Academic professional employees holding continuing appointments shall not be dismissed except for just cause. Dismissal shall not occur until the academic professional employee has been given an opportunity for a hearing as prescribed in this Policy.

b. Just cause shall include, but not be limited to, any of following:

(1) Demonstrated incompetence or dishonesty in professional activities related to the fulfillment of assigned duties and responsibilities associated with the position;

(2) Substantial neglect of properly assigned duties;

(3) Personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities;

(4) Substantial incapacity (physical or mental) to perform properly assigned duties, but due consideration shall be given to the nature and duration of the incapacity;

(5) A Violation of the Code of Conduct of a serious nature or willful, malicious, or serious disregard of ABOR or university policies or rules.

c. Those academic professional employees not holding continuing appointments, whether a probationary or year-to-year or multiple-year appointment, may be dismissed during an appointment period only after a finding of just cause. Dismissal shall not occur until the academic professional employee has been given an opportunity for a hearing as prescribed this policy.

3. The President may decide not to renew the appointment of any academic professional employee not holding a continuing contract appointment. In such case, the academic professional employee is not entitled to a hearing either prior to or subsequent to the President's decision except as provided in this policy.

4. Suspension with Pay

   An academic professional employee may be suspended with pay pending a hearing in a case in which the President determines that continued presence of the employee on the campus constitutes a substantial interference with the orderly functioning of the university or of a substantial area, unit, college or department of the university.

H. Release of Academic Professional Employees

1. In addition to other bases for termination specified in this document, termination of academic professional employees holding continuing appointments, or of other academic professional employees prior to the end of an appointment period, may occur because of a financial emergency or because of reorganization. Such a termination of appointment shall be designated a "release".

2. Release Due to Financial Emergency

   a. Release of an academic professional employee may occur when deemed necessary by the President due to a financial emergency as declared by the Board. Such a release shall be designated in the employee's personnel records as a "release due to financial emergency."

   b. An academic professional employee released due to financial emergency shall be accorded the following rights and privileges:

      (1) The individual shall be notified in writing of the decision to effectuate his or her release. Such notice

shall be provided as far in advance of the release date as the President deems possible.

(2) Each university shall make a reasonable effort to secure alternative appointments within the university in open positions for which the affected individual is qualified under existing criteria. Each university shall make a reasonable effort to ensure that the individual is made aware of openings at other Arizona universities and opportunities for retraining or further professional growth.

(3) If, within a period of 2 years from the date of the release of an academic professional employee with continuing status, the President determines that the academic professional employee's position should be reopened, then reappointment to the position shall first be offered to the released academic professional employee. The offer shall be sent to the last known mailing address of the employee and he or she shall have a reasonable time, not to exceed 30 days, within which to accept or decline the offer of reappointment.

(4) The individual shall be entitled to file a grievance based on an allegation of unlawful discrimination in accordance with the procedures provided in this policy. Such a proceeding may occur subsequent to release unless the emergency circumstances permit a prior review.

3. Release Due to Reorganization

a. Release of academic professional employees at a university may occur when a reorganization is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, modification or redirection and when such a reorganization plan is approved by the Board of Regents. Such a release shall be designated in the

employee's personnel records as a "release due to reorganization."

b. If the reorganization plan under consideration requires the release of academic professional employees, the following procedures shall be followed:

(1) The President shall review and approve the proposed reorganization plan. This review shall consider the reasons for the reorganization and the impact upon the university community as a whole.

(2) Upon review of the materials received, the President shall decide whether or not the reorganization should be executed and shall submit the plan to the Board for approval.

c. An academic professional employee released for reorganization shall be accorded the following rights and privileges:

(1) The individual shall be notified in writing of the proposed course of action that will result in his or her release. Such notice shall be provided as far in advance of the release date as the President deems possible.

(2) Each university shall make a reasonable effort to secure alternative appointments within the university in open positions for which the affected individual is qualified under existing criteria and to provide to the employee information concerning other employment opportunities that may be available.

(3) In the event that the program element that has been terminated should be reinstituted within a period of 2 years, new positions consisting of duties reasonably comparable to those of the released academic professional employee with continuing status shall not

be filled without first offering reappointment to the released academic professional employee with continuing status. The released academic professional employee must be given a reasonable time, not to exceed 30 days, within which to accept or decline reappointment.

(4) An individual released for reorganization shall be entitled to file a grievance based on an allegation of unlawful discrimination as provided in this policy. Such a proceeding may occur subsequent to release unless the circumstances permit a prior review.

I. Dismissal or Suspension Procedures

1. General

a. When an academic professional employee is recommended for suspension or dismissal, or whenever an academic professional employee is accused of a violation of a university of Board Policy, or other circumstance provided in this policy the employee shall be subject to the procedures set forth herein.

b. The procedures set forth herein are not required and shall not be followed in:

(1) Decisions relating to non-reappointment of academic professional employees not holding continuing appointments.

(2) Decisions relating to release from employment due to financial emergency or reorganization.

(3) Decisions relating to reduction in salary.

c. The procedures are not judicial. The structure of a judicial proceeding is neither required nor particularly appropriate. Formal rules of evidence are not applicable. Deviation from

these procedures shall not invalidate a decision or proceeding unless they cause significant prejudice to the respondent or the university.

2. Initiation of Procedures

These procedures shall be initiated through a written referral signed by the complainant and filed with the President or the President's designee.

3. Informal Procedures

Each university shall adopt informal procedures consistent with the following:

a. Upon receipt of a referral, a designated administrator or conciliation committee shall:

(1) Consult with the complainant, and conduct a review and investigation to (a) ascertain the facts and (b) determine if the matter should be pursued.

(2) Confer with the respondent to (a) ascertain the respondent's position, (b) attempt conciliation, and (c) report the findings and recommendations to be made.

b. The findings, decisions and sanctions, if any, to be recommended shall be written on a form prepared by the designated administrator or conciliation committee and submitted to the President, who may approve, disapprove, modify or otherwise render a determination.

(1) If the respondent is willing to accept the determination, the respondent shall acknowledge acceptance by signing the form in an appropriately designated place, and all action on the referral shall be closed.

(2) If the respondent refuses or fails to accept the determination, the respondent shall have 10 days from receipt of the determination to provide the President or the President's designee a written objection to the determination, setting forth the grounds for respondent's objection or failure to accept the determination. Upon receipt of the written objection, the matter shall be referred for formal hearing before a committee established in accordance with procedures adopted by each university.

4. Formal Hearing Procedures

a. Each university shall adopt formal hearing procedures to deal with just cause dismissals in the event informal procedures are unsuccessful.

b. The procedures shall provide for the establishment of a committee to conduct formal hearings. The title and composition of the committee shall be determined by the university.

c. The procedures shall provide for a written notice to be given to the parties at least 20 days prior to the date set for the hearing, which notice shall include at least the following:

(1) A statement of the time, place and nature of the hearing.

(2) A copy of the statement of charges as prepared by the person representing the university at the hearing.

(3) The name and university address of the chair or person to whom all correspondence or other matters should be directed.

d. The procedures shall provide that the written charges contain at least the following:

(1) The specific basis for recommending suspension or dismissal or the specific Code provisions alleged to have been violated by the respondent.

(2) A short and plain statement of the relevant facts, including if known, the time, date and place of the alleged incident or incidents giving rise to the charges.

(3) The name of the complainant who initiated the referral.

(4) The names of any witnesses which may be presented on behalf of the university.

e. The procedures shall provide for the specific manner in which the hearing before the committee is conducted. However, at least the following rights shall be afforded the respondent:

(1) The right to be heard in person and to present witnesses and submit evidence including documentary evidence.

(2) The right to confront and cross-examine adverse witnesses.

(3) The right to a hearing before an impartial body.

(4) At the respondent's own election and cost, to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party but shall not otherwise participate.

(5) The right to a written statement prepared by the hearing body setting forth its recommendation, its reasons for reaching such recommendation, and the facts relied upon in reaching such recommendation. The written statement may be forwarded to the

respondent by the President along with the final decision of the President on the matter.

f. The procedures shall also provide as follows:

(1) That failure of the respondent to appear at a scheduled hearing shall be treated as consent to the charges pending. Each university may provide for withdrawal of such consent under appropriate circumstances if it so chooses.

(2) That the hearing and deliberations shall be closed to the public except for the immediate members of the respondent's family and for the respondent's advisor. An open hearing will be held if requested by the respondent.

(3) That a mechanical or stenographic record of the hearing shall be made, a transcript of which may be obtained by any party at that party's own cost.

(4) The Chair of the hearing committee shall have the authority to issue subpoenas for the attendance of witnesses, and for the production of books, records, documents and other evidence, and shall have the power to administer oaths. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

(5) That a finding of just cause for dismissal must be based on a preponderance of the evidence.

(6) That the written statement prepared by the hearing body shall be forwarded to the President within 30 days after conclusion of the hearing except upon

good cause the date for forwarding the written statement may be extended by an additional 30 days, and that, upon receipt and review, the President shall approve, disapprove, amend or otherwise issue a final decision in writing no later than 45 days following the receipt of the recommendation. The President shall not be bound by the recommendations of the hearing body. A copy of this final decision, along with a copy of the Committee's written statement, shall be mailed to the respondent and the date of mailing shall be the effective date of the decision. The President's decision shall include a statement that an appeal to the Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35 days from the date when a copy of the decision sought to be reviewed is served upon the party affected.

g. The procedures may include such additional provisions as are not inconsistent with the provisions of these Conditions of Service for Academic Professionals.

h. The respondent may request reconsideration of the President's decision by filing a written request setting forth a ground for reconsideration with specificity within 15 days of receipt of the decision. If no request for reconsideration is made, the President's decision is effective at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

(1) Irregularities in the proceedings including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process,

(2) Accident or surprise that could not have been prevented by ordinary prudence,

(3) Newly discovered material evidence which could not have been available for the presentation,

(4) Excessive or insufficient result,

(5) The decision is not justified by the evidence or is contrary to law.

i. If the respondent requests reconsideration, the President shall issue a decision on reconsideration within 20 days of receiving a request for reconsideration. The President's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35 days from the date on which the decision on reconsideration is served on the party affected.

J. Discrimination Review Procedures

1. Each university shall maintain a procedure for reviewing claims of unlawful discrimination. At the election of the university, the procedure may involve an investigation and determination by the university's affirmative action office, or a hearing before an appropriate university committee established by the President, or both.

2. Whenever an aggrieved academic professional employee claims that a decision on advancement, continuing status, reappointment or release pursuant to this policy was based on unlawful discrimination, the employee shall have a right to have his or her claim reviewed in accordance with the procedures referred to this policy.

3. The procedures referred to in the Discrimination Review Procedures shall not be applicable as a means of reviewing a decision rendered in connection with proceedings brought under the Conditions of Service for Academic Professionals, Dismissal Procedures.

K. Implementation

The President shall establish such additional policies and procedures consistent with this policy as may be needed to carry out the Conditions of Service for Academic Professionals.

L. Severability

If any section, paragraph, subdivision, clause, sentence or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of the policy. If any provision of this policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.

M. Prior Status

1. Adoption of these Conditions of Service for Academic Professionals as a policy of the Board shall not divest a person of any tenured faculty status or continuing academic professional status acquired prior to adoption.

2. An academic professional employee who, prior to adoption of these Conditions of Service for Academic Professionals, held non-tenured faculty status and who was eligible for tenure review shall be provided the option of remaining employed under the terms of the Conditions of Faculty Service.

3. Prior service within a position designated as academic professional service shall be considered in determining the type of appointment tendered.

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PERSONNEL POLICIES

ARTICLE A. ADMINISTRATION

6-101 Conditions of Administrative Service

A. General

1. These Conditions of Administrative Service (6-101) shall constitute the policy under which administrative employees of the Board are employed. Each notice of appointment for administrative employees shall incorporate this policy by reference and shall provide that acceptance of the notice of appointment constitutes recognition that this policy constitutes the conditions of employment. The Board shall not be bound by, nor does it adopt or incorporate herein, the interpretations, policies or recommendations of other organizations.

2. The Board is charged by law to exercise control and supervision of the state universities and their property. Any authority delegated by the Board is always subject to the ultimate authority of the Board. The Board retains the right of periodic review and modification of all aspects of governance of the universities, and the right to enact such rules, regulations, policies and orders as it deems proper.

3. It is recognized that individual administrative employees may hold dual appointments only one of which may be to a position subject to the Conditions of Administrative Service 6-101).

B. Definitions

1. "Board" shall mean the Arizona Board of Regents.

2. "President" shall mean the president of the appropriate university or the president's designated representative, and the Administrative Director of the central staff.

3. a. "Administrator" or "administrative" shall mean an officer who reports directly to the president or to a vice president and who is responsible for planning, organizing, directing,

controlling and evaluating the activities of a major segment of a university; promulgating and implementing university rules and regulations; preparing and administering the organizational budget; maintaining relationships with administrative officials and members of business, government and civic communities. These positions shall include vice presidents, deans, academic department heads and other positions as determined by the Board.

b. Any nonclassified or non-student employee, not covered by the Conditions of Professional Service (6-203) or Conditions of Faculty Service (6-201), who reports to a person below the level of vice president and who has a direct role in planning, organizing, directing, evaluating, and controlling a major university function. Specific positions shall be determined by the president consistent with the terms of this definition.

4. "Notice of Appointment" shall mean the document by which an appointment is made each year and which is signed by the president.

C. Appointment Procedures

1. a. The president shall establish procedures for securing recommendations for appointment to administrative positions. Appointments may become effective when approved by the president but require approval or ratification by the Board. Except in extraordinary circumstances, the president shall obtain the Board's approval prior to the effective date of an administrative appointment.

b. Appointments to positions described in section 6-101B.3.b (Conditions of Administrative Service, Definitions) shall become effective only when approved by the president.

2. All administrative employees shall receive each year an appointment for an academic year or for a fiscal year beginning July 1 or a portion thereof. Appointments and reappointments shall not be for more than one fiscal year. No oral or written

communication made prior to or after the execution of a notice of appointment that is inconsistent or in conflict with the Conditions of Administrative Service (6-101) shall become a part of the conditions of employment.

3. Appointments which are dependent for continuation on funding from a specific source other than state appropriations shall so state in the notice of appointment and may terminate when the funding is no longer available.

D. Compensation

1. Salary ranges for administrative positions are set by the Board. The president may set individual salaries within those ranges or as otherwise approved by the Board. Salary rates for reappointments will depend upon available funding. Merit raises may be allocated by the president within the limitation of available funds.

2. Certain fringe benefits are made available to all state employees and are subject to change by the Legislature or the Board.

3. Policies governing outside activities and supplementary compensation are administered by each university.

E. Employment-Related Benefits

The Board has provided various benefits, such as the Medical Service Plan, which are a part of the employment relationship. Changes to such policies pertaining to benefits will be made by the Board normally to be effective at the start of the succeeding appointment period. Additional benefits may be added to be effective as determined by the Board.

F. Duties and Responsibilities

1. Duties and responsibilities of an administrative employee shall consist of those assigned by the president. All duties and responsibilities shall be carried out under the direction of the president who may alter or amend assigned duties or change titles at any time.

2. Performance of assigned duties by administrative employees shall be subject to evaluation by the president and performance shall be considered in decisions relating to compensation, retention, termination or a decision not to reappoint.

G. Reappointment

1. Decisions relating to reappointment shall be made in accordance with university rules and procedures developed by the president. The decision of the president not to reappoint is final.

2. An administrative employee has no expectation of continued employment and shall not be entitled to a hearing following or prior to a decision of non-reappointment. An administrative employee whose appointment is not renewed shall not be entitled to a statement of reasons for that action.

3. Administrative employees shall be given a ninety-day (90) notification of non-renewal. Failure to provide an administrative employee with a ninety-day (90) notification of non-renewal shall not constitute an automatic renewal of appointment. If notice of non-renewal is given less than ninety days prior to the end of an administrative employee's appointment period, the employee shall be entitled to continuation of salary for ninety days from the date of notification.

H. Termination, Release and Furlough

1. Administrative employees may be removed by the president from their administrative assignment at any time, but may not be dismissed during an appointment period without reason, except as set forth in 6-101H.3 (Conditions of Administrative Service, Termination, Release, and Furlough) below.

Reasons for dismissal may include, but are not limited to, incompetence or dishonesty in professional activities, neglect of properly assigned duties, or personal conduct that impairs the individual's fulfillment of properly assigned duties and responsibilities.

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Incapacity (physical or mental) to perform properly assigned duties shall also be considered as reason with due consideration given to the nature and duration of the incapacity.

An administrative employee terminated with reason may, within fifteen work days, submit a written appeal of the president's decision to the Board. The Board's determination shall be final.

2. An administrative employee may be suspended with pay if the president determines that the continued presence of the employee on the campus may constitute a substantial interference with the orderly functioning of the university or of a substantial area, unit, college or department of the university.

3. Administrative employees may be released prior to the end of the appointment period, when deemed necessary due to a financial emergency as declared by the Board.

4. Regardless of the terms of the notice of appointment, administrative employees may be placed on furlough under a furlough plan approved pursuant to Board policy 6-810.

I. Implementation

The president shall establish such additional policies and procedures consistent with this policy as may be needed to carry out the Conditions of Administrative Service (6-101).

J. Severability

If any section, paragraph, subdivision, clause, sentence or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portion of the policy. If any provision of this policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.